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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13669-2024 (O&M)
Date of decision: 16.04.2024

Surjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. M.S. Sidhu, Advocate and
Mr. Chetan Sehgal, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Mr. Yadwinder Singh, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

CRM-16186-2024

The present application has been filed by the petitioner for adding of an offence under Section 201 IPC in the main petition as the said offence was included by the police after registration of the FIR.

The prayer is not opposed by the State counsel.

The application is allowed.

Needful be done by the Registry.

CRM-M-13669-2024

1. The present petition has been filed by the petitioner under Section 439 for grant of regular bail in case having FIR No.0040 dated 15.02.2024 registered under Sections 451/447/427/511 of IPC (Section 452, 506 and 201 IPC added later on) at Police Station City Kharar, District SAS Nagar.

2. The allegations in nutshell are that complainant Rajender Saini

is residing in Qatar and is having his property in the area of Kharar (SAS Nagar) and he constructed boundary wall around the said property having one gate. That on 15.02.2024 at about 01:30 PM, when complainant was on visit to India, he went to his aforesaid property and found that petitioner Surjit Singh and co-accused Hardeep Singh Walia along with three other unknown persons had trespassed into his property by breaking open the lock affixed on the main gate. On seeing the complainant, the accused persons gave threats. On which complainant and his servant fled away from their.

3. The counsel for the petitioner submits that petitioner is falsely implicated in the present case and was arrested on 15.02.2024 and is presently lodged in judicial custody. It is further submitted that after completion of investigation, police has presented the challan and all the offences are triable by the Court of Judicial Magistrate Ist Class and it will take time for trial to conclude. It is further submitted that co-accused Hardeep Singh Walia is given concession of regular bail by the Court concerned. That in the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel and counsel for the complainant, both of whom have submitted that the petitioner is a builder and is a influential person. It is further submitted that even prior to the present occurrence, petitioner threatened to take forcible possession of property of the complainant and even now petitioner is extending threats to cause harm to the complainant and other members of his family as he wants to grab property of the complainant by illegal means. However, the State counsel has not disputed the fact that petitioner is in custody for the last

about 2 months and challan has been presented by the police on completion of investigation. The State counsel further apprised the Court that petitioner is a habitual offender.

5. I have considered the submissions made by counsel for the parties.

6. All the offences are triable by the Court of Judicial Magistrate Ist Class and after completion of investigation, challan stands presented against both the accused. Co-accused Hardeep Singh Walia is already released on regular bail. It will take time for the trial to terminate. In the given circumstances, no purpose will be served by keeping the petitioner in custody for any longer period.

7. In light of the above, without expressing anything on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall not directly or indirectly exert pressure on complainant or any other prosecution witness to refrain them from deposing against him. Further, petitioner is not to indulge in such like illegal activity and respondent will be at liberty to seek cancellation of bail of the petitioner, in the present case, if in future, petitioner extends any threat to the complainant or commits offence of similar nature.

16.04.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No