



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-14005-2024
Date of decision : 22.05.2024

Monu Sharma Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Prashant Puri, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.100 dated 08.06.2023, registered for the offence punishable under Section 397 of IPC (Section 411 added later on) and Section 25/54/59 of the Arms Act, 1959 at Police Station Kotwali Bathinda, District Bathinda.

2. FIR was registered on the statement made by one Neelam Mittal who alleged as under:-

“Today on 08.06.2023 at about 06:30 AM, I alongwith my neighbourer Renu wife of Daya Krishan Sharma resident of Street number 3, Navi Basti Bathinda were going on walk and when while walking we reached in street number 3, Malviya Nagar, opposite gate of MHR School Bathinda then from Bathinda-Goniana G.T. road Bathinda side, two hair-cut young men aged about 26/27 years on motorcycle of black color came from our backside

2024:PHHC:072821



and after crossing us they turned the motorcycle towards street no.3 Malviya Nagar and parked their motorcycle in the street and stood in main street of Malviya Nagar and in the corner of street no.3 of Malviya Nagar. When we were about to cross them then out of them, the young boy of long height with hair-cut, took out pistol and pointed towards me and the young boy with hair-cut and of short height snatched gold chain weighing about 1.5 tola which I was wearing in my neck and I fell down due to their forcible act and while I was lying down, mobile phone make iPhone 7, black color, containing SIM no.75088-40946 Airtel company, held in my right hand was snatched by the boy of long height. Our neighbourer Renu and I made noises in loud voice then the young man of long height shot fire in the air with his pistol and both of them ran towards Goniana-Bathinda G.T. Road on the motorcycle of black color which was parked in the street and I could not read the number of motorcycle. This incident took place at about 06:45 AM. The height of the long height boy was about 6 feet, complexion wheatish and the height of other boy was about 5 feet 8 inch, complexion dark. I can recognize both the boys on coming across them. Total price of gold chain and mobile will be around Rs.95 thousand. Today I was coming alongwith my husband to the police station to give information to you then you have met. Legal action may be taken against the above said unknown young men. I have got recorded statement to you, read, heard and is correct.”

2024:PHHC:072821



3. Counsel for the petitioner submits that not only challan stands presented, but the material witness i.e. victim/complainant also stands examined. Thus, there cannot be any apprehension that the petitioner shall tamper with the evidence.

4. Bail plea of the petitioner is opposed by the State counsel who submits that the petitioner is facing another prosecution in FIR No.154 dated 09.06.2023, that too registered for offence punishable under Section 392 of IPC and Sections 25-54-59 of Arms Act at Police Station Civil Lines, District Bathinda.

5. Faced with the situation, counsel for the petitioner refers to the bail order in the said FIR dated 09.06.2023 placed on record as Annexure P-7, wherein it has been noticed that the complainant in the said case has been examined but has failed to identify the accused.

6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

2024:PHHC:072821



- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

22.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No