

**224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No. 14203 of 2024****Date of decision : 22.03.2024**

Vicky Masih

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN*******

Present :- Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. J.S. Arora, DAG Punjab
along with ASI Jaswant Singh.

*********PANKAJ JAIN, J. (ORAL)**

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.12 dated 23.01.2023 registered under Sections 379-B (2) and 34 of IPC, 1860 at Police Station Div. No.3, District Commissionerate Ludhiana.

2 As per the contents of the FIR, it has been alleged as under:-

“Statement of Davinder Kaur wife Mahinder Singh Khurana, Resident of House No. 180, Block 23, Tej Nagar, Bagh Sufian, Police Station Division No. 3, Ludhiana, Age 72 years, Aadhaar Card No. 6862-4508-2475 Mobile No. 98144-19611 Stated that I am a resident of the said address and I am a housewife. On 21.01.2023 Time 5:30 PM I went to Janakpuri from my house to buy vegetables. When I was coming back to my house from Janakpuri after getting vegetables, it was around 5:50 in the evening when I reached in the street of Walbury Dry Cleaners was located, two unknown persons comes at my back on motorcycle, out of which one young man started the motorcycle and stood at the

corner of the street and the other young man who was coming on foot pushed me down and pulled the gold earrings from my ear and took away along with his motorcycle companion ran away. On my hue and cry, there was a gathering of passers-by took place, who took me to my house. I could not record my statement because I was in a shock due to the said incident. Today I was coming to you to write a statement along with my son Gaganish Singh. You have met and written the statement. I have read it and heard it. Please take action. True statement Davinder Kaur attested by Gaganish Singh Attestation Kulwinder Singh ASI Police Station Division No. 3, Distt. Ludhiana Date 23-01-2023 Action Police:- Today I along with HC Balwinder Singh 3703, Constable Sandeep Singh 3339 and PHG Kuldeep Singh 16541 in private vehicle, while patrolling in the area near CMC Hospital Chowk Ludhiana in the search of bad elements. Where I S.I. was present, then Davinder Kaur came to me and recorded her statement. Where I SI has recorded her statement on my private laptop and take its printout and read out before me. She has signed his statement in English after reading being correct, the statement was attested by his son Gagneesh Singh. From the contents of statement the offence under section 379-B(2), 34 IPC found to be made out.”

3 Learned counsel for the petitioner submits that the FIR was registered against two unknown persons. After almost 9 days i.e. on 02.02.2023, another FIR No.19 came into being in which the petitioner was arrested while in police custody. It is claimed that he has suffered a confessional statement wherein he admitted his guilt qua the present occurrence.

4 He contends that apart from the said confessional statement while in police custody, there is no incriminating evidence against the petitioner. Even no recovery has been made.

5 Counsel for the State on instructions from ASI Jaswant Singh does not dispute the aforesaid fact.

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Keeping in view the period of incarceration suffered by the petitioner and the nature of evidence levelled against him, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

22.03.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes
No