



CRM-M-14810-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(215)

CRM-M-14810-2024

Date of Decision : 13.11.2024

Gurmej Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ajaypal Singh Sandhu, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.21 dated 28.01.2023 (Annexure P-1), under Sections 341 and 379-B of the IPC, 1860 (Section 379-B reduced later on and Sections 395 and 363 of the IPC, 1860, were added later on), registered at Police Station Makhu, Tehsil Zira, District Ferozepur, Punjab.

2. The FIR (supra), was registered, on a complaint made by one, Nasim, with the allegations that on dated 27.01.2023, at about 4.00 p.m., when he was going from the village Suniar, District Gurdaspur, towards Dera Bassi, Punjab, after loading buffaloes in the truck/canter, he was waylaid by a Ford Fiago car, and stopped his truck, at T-point Maujgarh, Police Station Makhu. The complainant was accompanied by his helper, Adil son of Rasheed, and Jatin son of Jaicob. Six persons were alighted from the above

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car, and physically assaulted them. In this process, Jatin fled away from the spot, whereas, three miscreants forcibly made the complainant and Adilt, to sit in their car. Remaining three miscreants drove away the vehicle of the complainant towards Tarn Taran side. When they reached near the Toll Plaza of village Usma, the complainant along with Adil, finding an opportunity, managed to escape from the custody of the miscreants and fled away. The matter was reported on dated 28.01.2023, to the police.

3. Initially, the case was registered against the unknown persons. However, after a period of more than seven months, on the basis of the statement made by one, Vashid son of Hazishad, owner of the buffaloes, during the investigation was recorded and Rapat No.28 dated 24.09.2023, was recorded and the name of the present petitioner was involved in the FIR (supra). The petitioner was also arrested on the same day. During the investigation, the offence under Section 379-B of the IPC, 1860, was deleted, whereas, the offence under Sections 395 and 363 of the IPC, 1860, were added.

4. On asking for the relief (supra), learned counsel for the petitioner would submit that the petitioner has suffered incarceration of more than 01 year and 01 month, as on today, and he is not involved in similar kind of offence earlier, though he is involved in other cases of different nature. He further submits that till date, no prosecution witness has been examined. Finally, he submits that the involvement of the petitioner, that too after seven months, in the instant FIR, casts a doubt on the probative value of the prosecution version.

5. On the other hand, learned State counsel, on instructions imparted to him by ASI Sukhbir Singh, has opposed the grant of relief of regular bail to



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the petitioner, as well as the submissions made by the learned counsel for the petitioner. He has also placed on record the custody certificate dated 12.11.2024, qua the petitioner, today in the Court. The same is taken on record. Learned State counsel, on instructions further informs this Court, that charges in the instant FIR, were framed on dated 31.08.2024, and no prosecution witness has been examined, out of the total 12 prosecution witnesses, as cited by the prosecution, in the final report.

6. Be that as it may, considering the submissions, as made by the learned counsel for the petitioner, the role attributed to the present petitioner, period of incarceration suffered and the stage of the trial, which is yet to begin, in the instant FIR, this Court deems it appropriate that further incarceration of the petitioner, in the instant FIR, is not warranted, at this stage. Accordingly, the instant petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds, to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

8. In case, the petitioner is found to be involved in such like offences, the respondent-State, is at liberty to file an appropriate application, for cancellation of the bail, granted to the petitioner.

9. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

November 13, 2024
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No