

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15648-2024
Date of decision : 05.04.2024

RULDU RAM @ LADDIPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Jagpal Singh, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab with ASI Jarnail.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.108 dated 23.12.2023 registered for the offences punishable under Sections 379, 379-B, 411 and 34 of the Indian Penal Code, 1860 at Police Station Daba, District Ludhiana.

2. Reliance is being placed upon order dated 28.02.2024 passed in CRM-M No.9787 of 2024 whereby co-accused Prince Suniara alias Prince has been granted bail observing as under :

“This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.108 dated 23.12.2023 registered for the offences punishable under Sections 379, 379B, 411 and 34 of the Indian Penal Code, 1860 at Police Station Daba, District Police Commissionerate Ludhiana.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. FIR has been registered on the basis of secret information which reads as under:

“To the SHO Police Station Daba, Ludhiana, Jai Hind,
Today myself ASI alongwith contable Randhir Singh No.

3372/LDH, Harmandeep Singh No. 1536/LDH, PHG Rajiv Kumar No. 16051 were in private vehicle and were doing patrolling in connection with suspicious persons and vehicle. When I was present near the Pamma's shop Daba Lohara Road, Ludhiana, then myself ASI received a secret information that Ruldu Ram @Laddi S/o Darshan Lal R/o Gali No. 04A, Basant Nagar, Lohara Ludhiana and Prince Suniara @ Prince S/o Sonu Kumar, R/o Gali No. 4, Mohalla New Azad Nagar Shimlapuri, Ludhiana have in connivance with each other have stolen a motorcycle bearing registration No. PB-07AL-1636 Mark Hero Splendor Plus. Now they are riding on the said motorcycle and used to snatch mobiles from the passerby's. Today also they are on the said motorcycle and are proceeding towards Sherpur Chowk, Ludhiana to sell the mobiles which they have snatched from passerbys. In case, a nakkabandi is being held near Jain Thekha then they can be apprehended with stolen motorcycle and mobiles. The information is trustworthy and discloses offences under Section 379, 379B, 411 and 34 IPC. Thus, the ruqa is being sent to the police station through PHG Rajiv Kumar 16051 after getting a print out of the same against Ruldu Ram @ Laddi and Prince Suniara @ Prinice. Case be registered and number be intimated.xxx”

4. Counsel for the petitioner submits that apart from the said secret information there is no allegation of any snatching or steal against the petitioner. Petitioner is behind bars for more than 2 months and 2 days. The petitioner has clean antecedents. Investigation stands concluded and challan stands presented. Thus, there can't be any apprehension that the petitioner shall tamper with the evidence.
5. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.
6. I have heard counsel for the parties and have gone through records of the case.
7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is

ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

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

3. Counsel for the petitioner further submits that the petitioner is behind bars since 23.12.2023. Investigation already stands concluded and Challan stands presented. Thus, there can't be any apprehension that the petitioner shall tamper with the evidence.

4. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.

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

6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, granting parity viz-a-viz Prince Suniara alias Prince, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 05, 2024
Dpr

(Pankaj Jain)
Judge

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