

2024:PHHC:051115

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-17508-2024
Date of decision : 16.04.2024

Harmanpreet Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, 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.01 dated 03.01.2024, registered for the offences punishable under Sections 379-B/324/34 of IPC, 1860 (Section 411 of IPC, 1860 added later on) at Police Station Phool, Police District Bathinda, District Bathinda.

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

“Copy of statement. Jaspreet Singh son of Gurdev Singh son of Bachan Singh resident of Village Dhinger Police Station Phool District Bathinda, aged about 31 years. Mobile No. 9256900019. Stated that I am resident of above said address. I am running spare part shops of trucks in the name of Nitu Motor Company in Khalsa Market, Rampura Mandi. Every day, I used to go to Village Dhinger from my shop to my village Dhinger. Similarly, as a

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routine on dated 16.12.2023, I had stopped my shop, I was going from Rampura Mandi to my village Dhinger on my motorcycle No. PB03BF1121. My brother Harpreet Singh was going 2 kilometer ahead of me on a car. When, I went two and half kilometer ahead from village Phool towards my village, at that time, it was about 7-15 PM. One splendor motorcycle, whose number, I could not read at that time, two young men were boarded on the motorcycle. They brought their motorcycle alongside my motorcycle, the person who was sitting behind the motorcycle, given blow of a gandasas at my head. The blow of gandasas hit at my forehead and I fell down from motorcycle on the ground. Both the persons alighted from motorcycle and stopped the motorcycle and while I was fallen, they had given blows of gandasas on my hand. They had snatched my vivo model Y22 mobile phone with sim No. 92569-00019 from the left pocket of the pant worn by me. They had also snatched 2000 currency notes from the back side pocket of my pant. While I was fallen, they were asking for password of google pay and phone pay from me, but I had suffered injury on my forehead, therefore I became unconscious. While going, they had snatched the key of the motorcycle and ran away from the spot. My brother Harpreet Singh who was going ahead on car and seen that the light of my motorcycle was not coming. My elder brother Harpreet Singh turned his car back. He got me admitted in Civil Hospital Mandi Rampura for treatment. There you had reached to record my statement, but the injury was serious and it was paining and I was not aware that who were these

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persons. I said to you that I will record my statement later on. Then, I had enquired about these unknown persons. Today I came to know that on dated 16.12.2023, the persons who have inflicted injury to me, snatched my mobile phone and money and the name of driver is Harmanpreet Singh son of Rajinder Singh resident of Mohalla Prem Nagar and the person sitting behind me who have inflicted injury to me with his gandasa was Kulwinder Singh @Nikka son of Harpal Singh resident of Ramdasia Wala Mohalla Village Rampura. I along with Jagtar Singh son of Basant Singh were coming to record statement for taking action against them, you have met and I have recorded my statement before you, which has been read over. I am claimant. Action be taken. Sd. Jaspreet Singh.”

3. Counsel for the petitioner submits that the occurrence is stated to be 16.12.2023, whereas FIR came into being on 03.01.2024 and as per the contents of the FIR, information for the first time was received on 03.01.2024. He submits that there being an unexplained delay of around 17 days, concoction cannot be ruled out. Challan already stands presented, thus there cannot be any apprehension that the petitioner shall tamper with the evidence. Petitioner is behind bars for more than 03 months and 08 days.

4. The aforesaid factual assertions made by counsel for the petitioner are not disputed by the State counsel.

5. Keeping 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.

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6. Needless to say nothing recorded herein shall be construed
to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

16.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No