



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.17422 of 2024
Date of Decision: 02.07.2024

Harmandeep Singh @ Harry ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The instant petition has been filed under Section 439 of Cr.P.C. by the petitioner seeking grant of regular bail in case arising out of FIR No.81 dated 30.04.2023 registered under Sections 379B (2) of IPC and Sections 25 and 27 of Arms Act, 1959 (Sections 25 and 27 of Arms Act, 1959 were deleted later on) at Police Station Ranjit Avenue, District Police Commissionerate Amritsar.
2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Manpreet Singh alleging therein that on 29.04.2023 at about 10 PM, he along with his friend Jaspreet Singh was going on his motorcycle for paying obeisance at Shri Darbar Sahib and when at about 5 AM, they were going back to their house after paying obeisance and had crossed Vishal Mega Mart, then

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suddenly six youths riding on two motorbikes came from wrong side of the road. They were having muffled faces. They stopped the motorcycle of the complainant bearing registration No.PB08-EU-6849. They shot a fire in the air with gun. He was hit on his head by the butt of the firearm and by intercepting and stopping them forcibly, they snatched his motorcycle and escaped with the same. After registration of FIR, investigation proceedings were initiated. The petitioner was apprehended on the same day. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner is facing trial before the learned trial Court. He had moved application for grant of regular bail before the learned trial Court which was dismissed vide order dated 23.01.2024.

3. It is argued by learned counsel for the petitioner that he is in custody since 30.04.2023. Yadwinder Singh @ Akash whose case is on similar footing, has since been extended benefit of bail. Infact, the said accused Akash and himself were arrested in another case bearing FIR No.91 dated 30.04.2023 and in this case and some other case were falsely foisted upon him. No test identification parade of the petitioner had been conducted. The complainant has since been examined and has not identified him as snatcher of his motorcycle. The trial is likely to take time. No useful purpose would be served by keeping him in custody any more. Therefore, it is argued that he deserves to be given concession of bail.

4. Learned State counsel, on the other hand, while admitting that the complainant has since been examined and has not supported the prosecution version, has submitted that as there are serious allegations against the petitioner and, therefore, he does not deserve to be given

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concession of bail.

5. The petitioner along with the co-accused is alleged to have snatched the motorcycle of the complainant on 30.04.2023 when he along with his friend Jaspreet Singh was coming back after paying obeisance at Darbar Sahib. The petitioner is in custody for over a period of one year. The complainant is not stated to have supported the prosecution version. One of the co-accused namely, Yadwinder Singh @ Akash whose case was on similar footing, has since been extended benefit of bail. No doubt, the petitioner is shown to be involved in four other cases of similar nature but it is revealed that he has been arrested in case bearing FIR No.91 dated 30.04.2023 at Police Station Jandiala and thereafter in this case as well as in the abovementioned two cases and, therefore, it is a debatable question as to whether he was actually involved in the commission of subject offences or not, and such question has to be decided on the basis of evidence to be produced during trial. Keeping in view the discussion as made above but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be extended benefit of regular bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

02.07.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No