



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

CRM-M-19284-2024

Date of Decision : **14.08.2024**

SALINDER MISHRA @ JOHNY BABA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Shrey Goel, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab, assisted by
ASI Gurcharan Singh.

KULDEEP TIWARI, J.(Oral)

1. Through the instant second petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.327, dated 16.11.2021, under Sections 307, 394, 395-B, 411 and 379 of the IPC, registered at Police Station Focal Point, Ludhiana.
2. The instant FIR has been registered on a complaint made by one Navneet Kumar Srivastava. The relevant extract of the complaint which formed the part of FIR reads as under:-

“Statement of Navneet Kumar Srivastava S/o Parmod Kumar Srivastava R/o Near Laxmi Chowk Bahumpura District Muzzafarpur, Bihar currently residing at H. No. 2185/B-4/1-B, Sua Road, Gobindgarh, Ludhiana aged around 34 years, Mobile Phone No. 95693-99123. Stated that I am a resident of above said address and I have a shop in the name of Srivastav Associates in which I do the work of Money Transfer Bill payment etc. I got married to Amrita Nanda D/o Rajesh Srivastav R/o Village Chochar, District Hazipur, Vaishali Bihar 3-3½ years ago I have one girl child namely Vertika aged around 2-2½ years. On 15.11.2021 at around 9.00 PM my wife Amrita Nanda and daughter Vertika Nanda came to my shop to take some goods and I in order to shut the shop had put some important stuff in blue bag which contained One Dell Laptop, Redmi Note 5 Pro Mobile in which mobile sim No. 98553-76744 and 96086-72352, two ATM Device Micro Debit

Card and Rs. 5,80,000/- was kept I was preparing to the shut the shop when some persons entered the shop and started threatening that I should give the entire goods to them otherwise they kill us. When I and my wife Amrita Nanda resisted, then one person attacked on my hand with a Daat. Then two more person came to my shop out of which one was holding a weapon and shot at me with an intention to kill the bullet hit my wife Amrita Nanda on her right thigh. They have attacked with intention to kill and took away blue bag which had One Dell Laptop, Redmi Note 5 Pro Mobile in which mobile sim No. 98553-76744 and 96086-72352, two ATM Device, Micro Debit Card and Rs. 5,80,000/-. When I tried to catch them then two persons one on motorcycle and three persons on another motor cycle tried to run away but I held the motor cycle behind due to which the motor cycle fell down and the attackers left behind the black motorcycle and ran away. These persons have attacked us with an intention to kill us and has also snatched way the above mentioned following items. Action be taken against these 5 unknown persons. Sd/- Navneet Kumar Srivastav.”

3. Learned counsel for the petitioner, in asking for the relief (*supra*), submits that two other co-accused of the petitioner have been granted the relief of regular bail by this Court in vide order dated 05.04.2022 passed in CRM-M-2605-2022 (Annexure P-3) and vide order dated 11.07.2022 passed in CRM-M-16158-2022 (Annexure P-4).

4. He further submits that the petitioner was arrested on 04.12.2021, and since then he is in custody, and only 5 prosecution witness, out of total 23 has been examined by the learned trial court concerned till date.

5. On the other hand, learned State counsel has vociferously opposed the asked for relief, and has filed a status report, dated 12.08.2024, by way of an affidavit of Sh.Jasbinder Singh, ACP, Industrial Area-A, Ludhiana, which is taken on record. It reflects that the petitioner is in custody since 04.12.2021, and has got recovered stolen articles from him, and he is involved in six criminal cases.

6. The reply (*supra*), further reveals that the challan has been presented way back on 02.03.2022, and thereupon, charges were framed on dated 26.09.2023, and out of the total 23 prosecution witnesses only 5 have been examined till date, and the next date before the trial court is 29.08.2024 for prosecution evidence.

7. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

8. Be that as it may, considering the fact that petitioner is in custody since 04.12.2021, and the charges were framed on dated 26.09.2023, and out of the total 23 prosecution witnesses only 5 have been examined till date, therefore, conclusion of the trial would take long time, coupled with the fact that two co-accused of the petitioner have been released on regular bail by this Court vide orders (*supra*), this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover,

anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

August 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

:

Yes/No