

**CRM-M-20097-2024****1****IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH****CRM-M-20097-2024****Date of decision : September 11, 2024**

Harmanpreet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. M.S.Saini, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI,J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.252, dated 16.10.2023, under Sections 379-B/411/414/482/34 of the IPC , registered at Police Station Model Town, Hoshiarpur.

2. The allegation, as levelled against the present petitioner, is that he alongwith four other persons, snatched a car make Bolero bearing no.HP-74-A-6013, belonging to the complainant-Atul Chaudhary, by throwing the complainant out of the said car. They also took alongwith them the documents of the car, his driving licence, and mobile phone and Rs.5,000/-.

3. Learned counsel for the petitioner, in asking for the relief of regular bail, submits that the present petitioner is behind bars since 22.11.2023, however, the final report has been submitted by the prosecution, but the charges are yet to be framed by the learned trial court concerned.

4. He further submits that the present petitioner has not been

**CRM-M-20097-2024****2**

named in the instant FIR, and the same has been registered against some unknown persons. He also submits that though the petitioner is involved in two other criminal cases of similar nature, however, out of these two cases, in one case, he is already on bail. He has also placed reliance on order dated 5.8.2024 passed in CRM-M-36410-2024 to submit that the petitioner, is on co-equal pedestal with his co-accused Lovepreet Singh, who has been granted the relief of regular bail vide order (*supra*).

5. He further submits that though the recovery of some tyres and other material of car is shown to be effected from the present petitioner. However, the said articles have any connection with the snatched car or not would be a moot question of law, which has to be decided by the learned trial court concerned, after adduction of evidence by the prosecution.

6. Notice of motion.

7. Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of respondent-State and vociferously opposed the asked for relief (*supra*), to the present petitioner, and has placed on record a custody certificate *qua* the petitioner, which is taken on record. It reveals that the petitioner has suffered incarceration of 9 months and 16 days as on today.

8. He in addition, on instructions imparted to him by the police official concerned, submits that though the petitioner is involved in two other criminal cases of a similar nature, however, he is already on bail in one case. He further informs this Court that the final report in the instant FIR, has already been filed on dated 20.01.2024, in which the prosecution has cited 30 prosecution witnesses, and till date the charges have not been framed by the learned trial court concerned.

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

10. Be that as it may, considering the fact that the petitioner has suffered incarceration of 9 months and 16 days as on today, and no

**CRM-M-20097-2024****3**

recovery is to be effected from him, and though he is involved in two other criminal cases, however, he is already on bail in one case, coupled with the fact that the trial is yet to commence as charges have not been framed, 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.

11. 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.

September 11, 2024

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(KULDEEP TIWARI)**JUDGE***Whether speaking/reasoned ?* Yes/No*Whether Reportable ?* Yes/No