



CRM-M-22945-2024

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(224)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22945-2024

Date of Decision: 13.05.2024

KARAN KUMAR @ CHEEPU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.105 dated 21.07.2023 registered under Sections 379-B (2), 34 IPC, 1860 (Section 411 IPC added later on) at Police Station Focal Point, District Police Commissionerate, Ludhiana.

2. The present FIR came to be registered at the instance of Roshan Kumar Misra son of Late Murari Misra and the same reads as under:-

"Statement of Roshan Kumar Misra son of Late Murari Misra, resident of Street No. 07, Shiv Colony Dhandari Khurd Ludhiana aged about 23 years Mo: 9653927243 Stated that I am a resident of the said address and I work in S.S For-gin Iron Company at Kanganwal. Today in the morning, I went from my house to a vacant plot near Shiv Colony Dhandari Khurd for a walk with my friends of my colony and at about 10:30 am, was coming back after walk



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that at that time I got a call from my friend Anil Kumar and when I took out my mobile phone from my lower's left pocket to listen, at the same time three young men came on a motorcycle who stopped me by putting their motorcycle in front of me and two of them got off from the motorcycle and a young man kept started the motorcycle and stood there. One of the two young men who got down put something like a sharp iron knife around my neck and the other young man snatched from me the mobile phone make Oppo F21 Pro touch screen, color black in my hand, in which Airtel Company sim having number 7696996102 was working and fled away on the motorcycle to Shiv Colony Dhandari Khurd Ludhiana side at high speed, while running they were calling each other by the name of Karan, Jeevan, and Preet and I read their motorcycle number PB-91-K-3710 but I could not read his make, I ran and chased them but I could not apprehended them. I can identify them on coming in front. Then I went to my home due to fear and now I was coming with courage to take action that you have met near Government School Dhandari Khurd Ludhiana. Appropriate action should be taken against these persons. Statement is recorded to you, heard and is correct. Sd/ Roshan Mishra.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The allegations levelled against him are completely baseless. As the petitioner was in custody since 21.07.2023 but none of the 14 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime and therefore, he was entitled to the concession of bail moreso when he had been granted the similar concession in one other case arising out of

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FIR No.105 dated 21.07.2023 under Sections 379-B(2), 34, 411 IPC, P.S. Focal Point, Ludhiana. The copy of the said order dated 11.10.2023 is marked as X.

4. On the other hand, the learned State counsel contends that the allegations levelled against the petitioner and his co-accused were grave. He was also a habitual offender with one other registered against him. Therefore, he was not entitled to the concession of bail. She, however, concedes that the petitioner was in custody since 21.07.2023, none of the 14 prosecution witnesses had been examined so far and that in FIR No.105 dated 21.07.2023 under Sections 379-B(2), 34, 411 IPC, P.S. Focal Point, Ludhiana, he had been granted bail by the Court of the Addl. Sessions Judge, Ludhiana.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner in custody since 21.07.2023 and none of the 14 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In FIR No.105 dated 21.07.2023 under Sections 379-B(2), 34, 411 IPC, P.S. Focal Point, Ludhiana, he has been granted concession of bail. Therefore, his further incarceration in the instant FIR is also not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Karan Kumar @ Cheepu son of Late Ashok Kumar is ordered to be released on bail subject to his furnishing bail

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bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.05.2024

JITESH

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