

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1

CRM-M-25452-2024

Date of Decision : **August 07, 2024**

KUNAL MAHAJAN ALIAS KESHAV

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

2

CRM-M-27950-2024

BHUPINDER SINGH @ LADDI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Umesh Aggarwal, Advocate
for the petitioner in CRM-M-25452-2024.

Mr. Rishu Mahajan, Advocate
for the petitioner in CRM-M-27950-2024.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. In both the petitions, the petitioners are seeking common relief of regular bail arising out of the same FIR, therefore, both the petitions are amenable to be decided together.

2. At the very outset submits the learned counsels for the petitioners submit that though the final report has been filed under Section



379-B IPC by the prosecution, however, the learned trial Court concerned has framed the charges under Section 379-B(ii) IPC, therefore, they made a request that an appropriate correction be ordered to be made in the head note as well as in the prayer clause of the petitions.

3. The request so made by the learned counsels for the petitioners is accepted. The Registry is directed to carry out the necessary correction in the head note as well as in the prayer clause of the petitions.

4. In both the petitions filed under Section 439 Cr.P.C. the petitioners pray for grant of regular bail in case FIR No.149 dated 16.5.2023, under Sections 379-B, 379-B(ii), 34 IPC, registered at Police Station Sadar, Amritsar.

5. The allegations against the petitioners are that on 15.5.2024 at about 10.50 PM, the petitioners alongwith other co-accused Sukhchain Singh have snatched the car from the complainant-Kulwinder Pal and thereupon they fled away. Even the mobile phone, which was left in the car, was also taken by them. In view of the above allegations the instant FIR has been registered against unknown persons. During investigation, it transpired that the petitioners were arrested in another case FIR No.118 dated 22.5.2023 registered at Police Station Makbulpura, Amritsar City and also got recovered the said car which was allegedly snatched by them in the instant FIR. They were brought through production warrants for the purpose of joining investigation in the instant FIR and subsequently were arrested in the instant FIR.

6. Learned counsels for the petitioners in the asking for the relief (supra), submits that the petitioners have suffered sufficient incarceration i.e.



more than 1 year, 1 month and the trial is yet to begin. They further submit that the recovery of snatched vehicle has already shown to have been effected in a different FIR and whether, such recovery effected in a different FIR has any probative value to connect the present petitioners in the instant FIR is a moot question to be decided by the learned trial Court concerned during the trial.

7. The learned State counsel has filed the short reply as well as the custody certificates *qua* the petitioners and has forcefully opposed the grant of regular bail to the petitioners citing their antecedents. He further submits that Kunal Mahajan in CRM-M-25452-2024 is a habitual offender as he is involved in as many as 8 cases and he is not on bail in any of these cases. He further drew the attention of this Court towards the custody certificate of Bhupinder Singh @ Laddi to submit he is also involved in 7 other cases. Further, he on instructions imparted to him by ASI Kewal Singh informs this Court that after completion of investigation in the instant FIR, final report has been filed on 21.8.2023 against the petitioners and co-accused Sukhchain Singh, which was committed to the Court of Sessions Judge, Amritsar for trial vide order dated 21.10.2023. He further informs this Court that now the charges have been framed by the learned trial Court concerned on 23.2.2024 and out of total 17 witnesses cited by the prosecution, none has been examined so far.

8. Be that as it may, though the petitioners have criminal antecedents but merely because of their antecedents, they cannot be languished in the jail for indefinite period especially in the facts and circumstances of the present case, where, they have suffered incarceration of



1 year, 1 month and 9 days and till date no prosecution witness has been examined so far, therefore, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioners, however, subject to the condition that in case in future the petitioners are involved or committed any criminal offence, the prosecution will be at liberty to seek cancellation of bail, as granted to the petitioners by filing appropriate motion.

9. In view of the above facts and circumstances, the present petitions are **allowed**. The petitioner are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petitions only.

August 07, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No