

CRM-M-25761-2024

2024:PHHC:074091



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

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CRM-M-25761-2024

Date of decision : 24.05.2024

Sandeep Singh @ Leda**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Rahul Garg, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.177 dated 20.08.2023, registered for the offences punishable under Sections 379B and 34 of IPC (Section 201 of IPC added later on) at Police Station City-2 Mansa, District Mansa.

2. FIR was registered alleging as under:-

“Copy of Statement, “Statement of Meher Chand @ Kalu Ram Son of Sri Lekh Ram Resident of Ward No. 16 Near Balmik Mandir, Mansa, Aged about 67 Years Mobile: 8699561500, Stated that I am a resident of aforesaid address and used to work as Commission agent at Sabji Mandi, Mansa. Today I was going to Sabji Mandi on my scooter TNR at around 04-15 in the morning as usual and when I reached in front of Guru Nanak Hospital, Link Road Mansa, two unknown persons coming behind my



scooter and immediately put his scooter in front of my scooter and stopped his scooter then a young man came down from his white colored scooter and snatched my right pocket with Rs 25000/- in cash, a mobile phone VIVO company, in which was SIM number 9872986361, one ATM, PAN CARD and one Aadhar card, warehouse key and my artificial pair of teeth. Unknown persons fled away from the spot on their scooter, whom I can recognize when placed before me. Appropriate legal action should be taken against this anonymous person. I have written a statement which is correct. Correct/- Meher Chand.xxx””

3. Counsel for the petitioner submits that neither the petitioner has been nominated in the FIR nor any recovery has been effected from him. He has been nominated only on the basis of supplementary statement which has been recorded a day after registration of FIR.

4. Custody certificate has been produced by learned State counsel. As per the same, the petitioner has undergone custody of more than 03 months and 18 days.

5. Bail plea is opposed by State counsel on account of the antecedents of the petitioner as he facing 06 more FIRs. It has been stated that supplementary challan has been filed on the very next date of the occurrence.

6. Faced with the situation, counsel for the petitioner relies upon the following observations made by Supreme Court in the case of ***'Prabhakar Tiwari vs. State of U.P.' reported as (2020) 1 RCR (Cri.)***



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“6. In the case of [Mahipal Vs. Rajesh Kumar @ Polia & Anr. \(Criminal Appeal No.1843](#) of 2019) decided on 5 th December, 2019, a coordinate Bench of this Court has discussed the scope of jurisdiction of the appellate Court in setting aside an order of granting bail. The two key factors for interfering with such an order are non-application of mind on the part of the Court granting bail or the opinion of the Court in granting bail is not borne out from a prima facie view of the evidence on record. In the case of [Maulana Mohammed Amir Rashadi vs. State of Uttar Pradesh and Another](#) [(2012) 2 SCC 382], a two Judge Bench of this Court declined to interfere with an order of the High Court granting bail to an accused having considered the factual features of that case.

7. On considering the submissions of the learned counsel for the parties. Having regard to the circumstances of this case, in our opinion, there has been no wrong or improper exercise of discretion on the part of the High Court in granting bail to the accused. The factors outlined in the case of **Mahipal** (supra) for testing the legality of an order granting bail are absent in the order impugned. The materials available do not justify arriving at the conclusion that the order impugned suffers from non-application of mind or the reason for granting bail is not borne out from a prima-facie view of the evidence on record. The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail. The High Court has exercised its discretion



in granting bail to the accused Vikram Singh upon considering relevant materials. No ex-facie error in the order has been shown by the appellant which would establish exercise of such discretion to be improper. We accordingly sustain the order of the High Court granting bail. This appeal is dismissed.”

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

24.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No