



CRM-M-26261-2024

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

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Date of Decision : May 28, 2024

HIRA SINGH ALIAS HIRA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. M.S.Hundal, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.05 dated 9.1.2024, under Sections 379B(2)/506/489 IPC, registered at Police Station Kacha Pakka, Tarn Taran.
2. The allegations which have been culled out by the learned Sessions Judge concerned, while declining the regular bail application of the petitioner, read as under:-

“On 09.01.2024 early morning complainant had reached Patti Railway Station and from Patti to Patti Morh, where, at about 07:00 AM, a clean shaven boy, dark in complexion, heavy built, on a Swift car, bearing registration No.DL-9-C-AG-7970 came near the complainant and offered to give lift to complainant till village Dialpura. Complainant accepted the offer of the said boy and sat in the Swift car. On the way, the driver of the Swift car stopped the same on the side of road on the pretext of urination. Complainant also alighted from the



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car and the said young boy, after taking out knife from the pocket of his lower, put the same at the neck of complainant and took out the purse from the pocket of the shirt worn by the complainant, which contained Rs. 1950/-, Aadhar card, railway tickets and other documents and warned the complainant against informing the police. Complainant got scared and returned to Patti Morh, where the persons asked the complainant about the matter, upon which complainant told them about the occurrence, where upon a middle age person standing there told the complainant that the boy, who had committed the said act was Hira Singh, who has fallen into bad habits. When complainant asked for further details of the snatcher, the said person provided his details as Hira Singh, son of Gursewak Singh, resident of Chuslewarh, and requested the complainant not to reveal the name of informer.”

3. A perusal of the above reveals that the allegations against the petitioner are that he has snatched Rs.1950/-, from the complainant after offering him lift and the name of the present petitioner was surfaced in the FIR (supra), on the information provided by a passer-by to the complainant.

4. Learned counsel for the petitioner in the asking for the relief (supra), submits that the petitioner has been falsely implicated in the instant FIR and the identity of the petitioner is under question and requires to be established by the prosecution during the trial. He further submits that he has already suffered incarceration of 4 months and 11 days and the trial is at the initial stage. He further submits that the recovery which effected from the present petitioner does not connect him with the crime.

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5. On the other hand, the learned State counsel has vociferously opposed the grant of regular bail to the petitioner, on the ground that the petitioner has committed a serious offence i.e. snatching of Rs.1950/- from the complainant, under the fear of death. He further submits on instructions imparted to him by ASI Gurmeet Singh that after completion of investigation, final report has been filed on 6.4.2024 but the charges are yet to be framed. He further submits that out of total 10 cited witnesses by the prosecution in the final report, none has been examined so far.

6. Be that as it may, considering the fact that the trial is yet to commence and the petitioner has already suffered incarceration of 4 months and 11 days as on today, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is 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.

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

(KULDEEP TIWARI)
JUDGE

May 28, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No