



56. IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.26866 of 2024
Reserved on: 11.07.2024
Pronounced on: 30.07.2024

Amandeep Singh @ Aman ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. G.S. Bawal, Advocate
for the petitioner.

Mr. Jasjeet Singh Dhaliwal, Assistant Advocate General, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
216	23.10.2023	Sadar Ludhiana, District Police Commissionerate Ludhiana	379-B(2), 34 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts of the case are being taken from reply dated 11.07.2024 and the relevant paragraph(s) of the same reads as follows:

“ii. That the complainant had alleged in the aforesaid statement that he is a resident of Street No. 3, Block D, Mohalla Ishar Nagar, Police Station Sadar, Ludhiana, and on 17/10/2023, at around 07:00 PM, he was returning to his residence on his bicycle. When he reached near Petrol Pump, Gali No. 01, Mohalla Ishar Nagar, Block D, a black-colored Splendor motorcycle without a number plate and having a broken headlight approached from behind. The motorcycle was driven by an individual wearing a turban, with a pillion rider who had trimmed hair. They stopped his bicycle, and the driver of the motorcycle, armed with a Datar, struck a blow with the same at the complainant's left bicep and thereupon they snatched his brown-colored wallet on which "Armani" was written, containing Rs. 700 and his Aadhaar Card. They then fled from the scene. Thereupon as per the allegations, the complainant received treatment from Dr. Jasbir Singh in his locality. While conducting inquiry at his own level, the complainant discovered that the driver of the motorcycle i.e. the individual wearing the turban, was



Lakhwinder Singh @ Sonu alias Lakha, and the pillion rider i.e. the individual with trimmed hair, was Amandeep Singh @ Aman, i.e. the present petitioner.

iii. That thereupon, after the registration of the FIR, the investigating officer on 24/10/2023 received secret information that the present petitioner, Amandeep Singh @Aman, and the other accused, Lakhwinder Singh @ Sonu alias Lakha, were coming from the Sangowal side to Bulara side on the same motorcycle, ie., a black-colored Splendor. Acting on the aforesaid information, the petitioner, Amandeep Singh @ Aman, and the other accused were apprehended on 24/10/2023 while coming from the Sangowal side on the aforesaid motorcycle ie. make Splendor which had a broken headlight and no number plate.

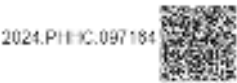
iv. That during the checking, a brown-colored wallet on which "Armani" was written was recovered from the right pocket of the petitioner i.e. Amandeep Singh @ Aman. The wallet contained Rs. 50 and the Aadhaar card of the complainant. Additionally, a Datar was recovered during the body search of the other accused ie. Lakhwinder Singh @ Sonu alias Lakha. The complainant was also called to the spot, and he identified the petitioner and the other accused as the individuals who had snatched his wallet and struck him with a dagger on 17/10/2023. He also identified the recovered wallet as his own. An identification memo was prepared and the same signed by the complainant. Thereupon, the recovered wallet (containing Rs. 50 and the Aadhaar card of the complainant), the Splendor motorcycle, and the dagger were taken into police possession. Subsequently, the offense under Section 411 IPC was also added to the present case."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State opposes bail and has referred to relevant paragraph(s) of the reply which reads as under:

"5. That it is submitted that present petitioner, Amandeep Singh @ Aman, played an active role in the commission of the offense, as on 17/10/2023, at around 07:00 PM, the petitioner, along with the co-accused Lakhwinder Singh @Sonu alias Lakha, who was driving the motorcycle i.e. a black-colored Splendor motorcycle, which had a broken headlight and no number plate, stopped the complainant Sant Ram, as he was returning to his residence on his bicycle. The present petitioner i.e. Amandeep Singh @ Aman, and Lakhwinder Singh @ Sonu alias Lakha then forcibly took the complainant's brown-colored wallet, on which "Armani" was written, containing Rs. 700 and his Aadhaar card. During the incident, Lakhwinder Singh @Sonu alias Lakha struck the complainant with a Datar on his left bicep.

6. That it is humbly submitted that subsequent to the apprehension of the present petitioner in the present case, during the search, a brown-colored wallet with "Armani" written on it, which contained Rs. 50 and the complainant's Aadhaar card, was recovered from his right pocket of. Additionally, a Datar was recovered during the body search of Lakhwinder Singh @ Sonu alias Lakha. The complainant was called to the spot, where he identified both the petitioner and the co-accused as the individuals who had attacked and robbed him, and he confirmed that the recovered wallet belonged to him. Thereupon an memo was prepared and the same was signed by the complainant."



6. A perusal of the above points out towards the petitioner’s involvement. However, this Court is considering evidence for the purpose of bail and not for framing of charges.

7. As per paragraph 7 of the bail petition, the petitioner has been in custody since 24-10-2023. Per the custody certificate, the petitioner’s total custody in this FIR is eight months and 14 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. The conditions mentioned above imposed by this court are to endeavor to



reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon’ble Supreme Court holds that “The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed.”

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.07.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.