



CRM-M-26967-2024 and connected case

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

109 + 227

**(I) CRM-M-26967-2024
Date of Decision : July 25, 2024**

NITIN SHARMA

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

(II) CRM-M-31969-2024

GURDEEP SINGH

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Ishan Gupta, Advocate with
Ms. Palvi, Advocate
for the petitioner (in CRM-M-26967-2024).

Mr. A.S. Walia, Advocate
for the petitioner (in CRM-M-31969-2024).

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)**CRM-28039-2024 IN CRM-M-26967-2024**

1. For the reasons assigned in the instant application, the same is **allowed**. Offence under Section 379B of the IPC is ordered to be substituted by Section 379B(2) of the IPC at all the relevant places in the petition.
2. Registry is directed to carry out the requisite corrections.

Main Cases

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3. The amenability of both these petitions for being decided through a common verdict originates from them being arising out of a common FIR, besides common relief(s) being yearned therein.

4. To be precise, in both these petitions, the petitioners crave for indulgence of this Court for them being enlarged on regular bail, in case FIR No.19 dated 21.02.2024, under Sections 379B(2), 34 of the IPC (Section 411 of the IPC added subsequently), registered at P.S. Sarabha Nagar, District Police Commissionerate Ludhiana.

ALLEGATIONS IN THE FIR

5. The present FIR derives its origin from a statement made by one Rahul Kumar (hereinafter referred to as the 'complainant'). Succinctly stated, the allegations levelled in the FIR are that, the petitioners along with their co-accused Gursewak Singh waylaid the complainant and snatched his mobile and other valuable articles. In order to commit snatching, petitioners' co-accused Gursewak Singh gave a blow of iron *daat* on complainant's hand and left hand.

SUBMISSIONS OF LEARNED COUNSELS FOR THE PETITIONERS

6. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

(i) In the initial portion of his statement, which constituted the bedrock for registration of the present FIR, the complainant has levelled allegations against unknown persons, whereas, in the latter portion thereof, he has disclosed the specific identities of the snatchers. Therefore, the version narrated by the complainant is surrounded by clouds of suspicion;

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- (ii) Recovery of the snatched articles has already been effected;*
- (iii) No injury has been attributed to the petitioners, rather has been attributed to co-accused Gursewak Singh;*
- (iv) Petitioners have suffered incarceration of approx. 05 months and they are not involved in any other case;*
- (v) The Final Report was presented on 20.03.2024, however, charges have not yet been framed. Therefore, when trial is not likely to conclude anytime soon, keeping the petitioners behind the bars would serve no gainful purpose;*

SUBMISSIONS OF THE LEARNED STATE COUNSEL

7. Although the learned State counsel has opposed the grant of bail to the petitioners, on the ground that, the snatched articles have been recovered from them, however, on instructions imparted to him by the official concerned, he does not dispute the fact that charges are yet to be framed in the present case.

8. The learned State counsel has also placed on record the respective custody certificates of the petitioners.

REASONS FOR ALLOWING THE INSTANT PETITION

9. This Court has heard the submissions made by the learned counsels for the parties and perused the record. Be that as it may, this Court is of the view that the present petitions deserve to be allowed. The reason for forming this inference generates from the factum that:- (i) no injury has been attributed to the petitioners, rather has been attributed to petitioners' co-accused Gursewak Singh; (ii) allegedly stolen articles have been recovered; (iii) as per custody certificates, the petitioners have suffered

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incarceration of approx. 05 months and they are not involved in any other case; (iv) trial is not likely to conclude anytime soon, inasmuch as, despite the charges becoming framed on 20.03.2024, charges have not yet been framed, therefore, subjecting the petitioners to prolonged incarceration would serve no fruitful purpose.

10. Therefore, without commenting upon the merits and circumstances of the present case, the present petitions are **allowed**. The petitioners are ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. 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.

12. A photocopy of this order be placed on file of connected case.

July 25, 2024
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(KULDEEP TIWARI)
JUDGE

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