

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: 02.08.2024
Pronounced on: 30.08.2024

1. CRM-M No.31094 of 2023

Simarjeet Singh alias Simar Singh ...Petitioner

Versus

State of Haryana ...Respondent

2. CRM-M No.59258 of 2023

Nirmal Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jagpal Singh, Advocate
for the petitioner (in CRM-M-59258-2023).

Mr. Ashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
153	02.11.2017	Baragudha, District Sirsa	395, 397, 465, 468, 471, 472 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. However, as per para 11 of reply dated 15.12.2023, the petitioner is involved in following FIRs, the details of which are as under:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	44	25.09.2013	Under Sections 307, 326, 324, 382, 148, 149 IPC	Nathana (Punjab)

2.	142	11.08.2015	Under Sections 326, 341, 323, 148, 149 IPC	Nathana (Punjab)
3.	143	05.07.2016	Under Sections 379B, 427, 323, 34 IPC	Nathana (Punjab)
4.	75	10.04.2017	Under Sections 25, 54, 59 of Arms Act	Nathana (Punjab)
5.	138	06.06.2017	Under Sections 307, 323, 379B, 148, 149 IPC	Nathana (Punjab)
6.	104	10.07.2014	Under Sections 382, 379, 420, 467, 468, 471, 120B IPC	Nathana (Punjab)
7.	100	05.07.2014	Under Sections 379, 34 IPC	Division No.7, Jalandhar (Punjab)
8.	114	22.07.2014	Under Sections 25, 54, 59 of Arms Act	City Dabwali, District Sirsa (Haryana)
9.	287	2.11.2017	Under Section 392 IPC and 25, 54, 59 of Arms Act	City Dabwali, District Sirsa (Haryana)
10.	75	01.04.2019	Under Sections 21, 61, 85 NDPS Act	Nathana (Punjab)
11.	142	05.07.2016	Under Sections 379B, 341, 323, 506, 148, 149 IPC	Kakhaan (Punjab)
12.	135 of 2017	--	--	Giddarbaha (Punjab)
13.	10	25.01.2018	Under Sections 399, 402 IPC, 25, 54, 59 Arms Act	Thermal, Bathinda (Punjab)

3. The facts of the case are being taken from reply dated 15.12.2003 which are reproduced as under:

“To SHO, Police Station, Baragudha. Sir, With due respect, it is stated that I Sidharath S/o Shri Davender Kumar Caste Arora is permanent resident of House No.140 D.C. Colony Barnala Road Sirsa and we have our City Petrol Pump near Rajender School Panjuana NH-9. Today at about 6-40 PM 5 youngsters aged 20/25 years, came at our petrol pump in Car i-20 bearing number plate HR35-B-2626 and one boy was holding double barrel gun in his hand, one was holding pistol in his hand, one was holding Kapa in his hand, one was holding sword in his hand and one boy was standing outside and he was holding danda in his hand and by showing their weapons to our salesmen who were standing outside, took them inside the office and raised their weapons upon us and looted the entire cash of Rupees 160000/- lying in the almira, one laptop, two mobile and key of vehicle. All had covered their faces with cloth and while leaving, they also looted the cash with our salesmen, which we will tell after counting. Legal action be taken against the above unknown youngsters and amount be got recovered. This entire episode is recorded in the CCTV Camera installed at the petrol pump. All were speaking in Punjabi.

3. That during the course of investigation of the above case, it was discovered that the accused persons who had committed the above offence on 2.11.2017 at City Petrol Pump, Village Panjuana, have been arrested in case FIR No.10 dated 28.1.2018 under Sections 399,402 IPC and 25/54/59 Arms Act, Police Station Thermal Bathinda. Thereafter, production warrants of the accused persons namely Simrajeet Singh (present petitioner) son of Resham Singh, Nirmal Singh alias Kala son of Gurjant Singh, Jaspreet Singh alias Jassa son of Jagdev Singh, Sukhpal alias Surender son of Baljeet Singh and Gurpreet Singh alias Kali son of Nachhatar Singh who were in custody in above case FIR No.10 dated 28.1.2018 Police Station Thermal, Bathinda, were sought from the Court of

Ld. Judicial Magistrate, Sirsa and they were produced before the Court on 8.3.2018 and after inquiry, they were arrested in the above case as per rules.

4. That in the above case, the petitioner along with other co-accused persons namely Nirmal Singh alias Kala Singh son of Gurjant Singh, Jaspreet Singh alias Jassa son of Jagdev Singh, Sukhpal alias Surender son of Baljeet Singh, Gurpreet Singh alias Kali son of Nachhatar Singh, armed with deadly weapons, committed dacoity at City Petrol Pump, near Rajendera School, NH 9 in the area of village Panjuana, Police Station Baragudha, District Sirsa and looted Rs. 1,60,000/-, one laptop, two mobile phones and key of vehicle at gun-point. All the above robbers had arrived at the premises of City Petrol Pump in i20 Car bearing registration No.HR35B-2626. The petitioner was holding a double barrel gun in his hand at that time. The aforesaid car i20 used in the commission of above offence was recovered by Punjab Police in another criminal case and double barrel gun which the petitioner was holding at the time of commission of above offence was also recovered by the Punjab Police in another criminal case.

5. That during the investigation of the above case, it was discovered that the aforesaid i20 car which was used by the accused persons in the commission of above offence was also looted by the accused persons and they had replaced its number plate with number plate bearing No.HR35B-2626. Thus, commission of offences under Section 465/468/471 IPC were discovered in the above case and these sections were added in the above case."

3. 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.

4. The State opposes bail.

5. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail vide order dated 28.01.2021 due to his non appearance before the trial Court and his presence could not be procured till 02.09.2021. Thereafter, the trial Court issued proclamation under Section 82 Cr.P.C. against the petitioner and then vide order dated 10.02.2022 the petitioner was declared as proclaimed person in this case. On 21.12.2022, the counsel for the petitioner filed an application before the trial court for issuance of production warrants and he was produced on 17.01.2023 before the trial court through Video conferencing from Central Jail Faridkot. On 22.02.2023 the petitioner was produced in person before the trial Court. The petitioner filed bail application before the trial court which was dismissed on 18.04.2023.

6. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day and subject to compliance with the following conditions.

7. As per order passed by the trial Court, petitioner is in custody since 22.02.2023. 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 Ilqa 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. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. 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.

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

(ANOOP CHITKARA)
JUDGE

August 30, 2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.