



203 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30127-2024 (O&M)
Date of decision: 27th June, 2024

Bharat Kumar
...Petitioner(s)
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rhythem Bajaj, Advocate for the petitioner.
Mr. R.S. Bhatta, DAG, Punjab.

MANISHA BATRA, J (ORAL):-
CRM-25516-2024

Allowed as prayed for.

Main case

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
38	05.03.2024	City-1, Abohar, District Fazilka	365, 392, 506 of IPC, 1860 (section 395 of IPC added later on)

2. Brief facts of the case relevant for the purpose of disposal of
this petition are that the aforementioned FIR was registered on 05.03.2024
on the basis of statement recorded by the complainant-Anna who is involved
in the business of checking purity of gold and silver and melting gold after



collecting gold from different goldsmiths, which is being supplied at Delhi, alleging therein that the accused Sunny Soni was working with him from the last about two months and knew the details about the manner in which he had been conducting business. On 04.03.2024, he along with accused Sunny had gone to Delhi in a train and after purchasing gold weighing one killo 48 grams 700 milligram from some other persons, they had boarded in a train from Delhi to Abohar. They reached Abohar at around 6:30 AM on 05.03.2024. He alleged that accused Sunny left him on way on some pretext and while he was going towards his shop in an e-rikshaw, the same was stopped on the way by a car bearing No. DL3CAQ-9147. Three youths alighted from the same, whereas one kept sitting on the driver seat. They were having muffled faces and were armed with weapons and forcibly made him sit in their car. Thereafter, they snatched the gold which he had kept in a carry bag wrapped around his waist. He had a scuffle with them and as the cloth with which they had covered their faces, got removed during the scuffle, he identified them as the present petitioner and co-accused Charanjit and Kamal Kumar as all three of them used to visit his shop quite often with co-accused Sunny Soni. By taking away the gold carried by him, they managed to flee. While alleging that the petitioner and the co-accused in connivance with each other looted his gold, he prayed for taking action. On these allegations, initially a case under Sections 365, 392 and 506 of IPC was registered. During investigation, offence under Section 395 of IPC was added. The petitioner was arrested on 06.03.2024. Investigation has since been completed. The petitioner had moved an application for grant of



regular bail before the learned trial Court which was dismissed by learned Additional Sessions Judge, Fazilka on 05.04.2024.

3. The present petition has been filed by the petitioner and it is argued by his counsel that investigation has since been completed. Challan has been presented in the Court. The learned Additional Sessions Judge had dismissed the bail application, as the investigation was still going on. The custodial interrogation of the petitioner is no more required now. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Therefore, it is argued that the petition deserves to be allowed and he deserves to be released on bail.

4. *Per contra*, learned State counsel has vehemently argued that there are serious and specific allegations against the petitioner. Charges are yet to be framed and material witnesses are yet to be examined. There are chances of petitioner's absconding and intimidating the witnesses, if extended benefit of bail. Hence, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have abducted the complainant on 05.03.2024 and is further alleged to have robbed him of gold weighing one killo 48 grams 700 milligram. He was not only named in the FIR but was duly identified by the complainant. The allegations against him are quite serious in nature. The material witnesses



are yet to be examined. The apprehension that the petitioner may intimidate the witnesses, cannot be stated to be unfounded at this stage. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th June, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |