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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31651-2023
Date of decision : 12.03.2024

HARDEV SINGHPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Amarjot Kaur, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.254 dated 24.09.2022 registered for the offences punishable under Sections 379-B (later on added Sections 149, 395, 482, 411) of the Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Tanda, District Hoshiarpur.

2. The petitioner is behind bars since 18th of April, 2023.
3. FIR was registered on the information supplied by Dhruv Grover alleging as under :

“xxx I am resident of above said address and am employed in private company at Gurgaon. On 23.9.2022 at about 10.30 PM I and my friend Krishan Gupta son of Anil Kumar Gupta resident of E-113 West Patel Nagar, New Delhi and Gagan Nagpal son of Late Gulshan Nagpal resident of H.No.W21093B Darapur Bali Nagar P.S. Ramesh Nagar New Delhi were going to Dalhousie from Delhi

in our car DL 12CL 3524 CIAZ colour dark Grey and when we were passing through Tanda then one Swift car without number Silver colour came from behind and passed and we stopped our car on one side for urinating at about 6.10 AM and meanwhile the swift car came and stopped over there and one person came out and started enquiring from us the road toward Hoshairpur and when we told that we are not aware then the other persons sitting in the swift car came out of the car out of which 4 persons were clean shaven and 2 were sikh boys and we can recognize them if they come in front of us. One of them sat in our car and one sikh boy pointed country made pistol towards us and asked for the keys of the car otherwise he will shoot us and we handed over the keys of the car and the purse in our pockets were also snatched. There were PAN card, Adhar Card, driving License and other documents in the purse and a Laptop in my bag and two mobile numbers 9650252287 I/Phone -13 and another phone Redime No.9319630958. This unknown boy snatch this things from us which were lying in the car and four persons sat in our car and went towards Dasu Pathankot side. We were coming to give you the information when you me us in the way. Statement given which is correct. Action be taken against these unknown persons. SD/- xxx”

4. After FIR was registered on 24th of September, 2022 complainant is stated to have suffered a supplementary statement on 21st of October, 2022 in which he named five persons namely Harpreet Singh, Ashwani Singh, Satnam Singh, Gursewak Singh and Sunny. As per the prosecution Gursewak Singh in his disclosure further named the present petitioner. Counsel for the petitioner submits that Gursewak Singh having suffered disclosure while in police custody, the same is a weak piece of evidence and apart from that there is no incriminating evidence against the petitioner. Thus, the petitioner deserves to be released on bail. She further

submits that the challan stands presented and thus the custody of the petitioner cannot be prolonged as a punitive measure.

5. Per contra, State Counsel however refers to the antecedents of the petitioner claiming that the petitioner is facing four more FIRs and thus he is not entitled for grant of bail. However, he is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

6. Having heard rival contentions of the parties and after going through records of the case, without commenting on the merits thereof, keeping in view the incarceration already suffered by the petitioner and the nature of the evidence against him, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 12, 2024		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No