

2024.PHHC.090720



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

Sr. No.207

**CRM-M-31386-2024(O&M)
Date of decision : 19.07.2024**

Dalbir Ram

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. L.S. Sekhon, Advocate, for the petitioner.

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

This petition under Section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No.40 dated 20.02.2024 under Sections 379 & 411 IPC, registered at Police Station Patran, District Patiala.

2. Allegedly, as per the prosecution version, on 20.02.2024 ASI-Sher Singh along with other police party was present at bus stop Shutrana where Manjit Singh recorded his statement that he was having a trolley which was parked outside the house and at about 6.00 a.m. when he has gone to the fields, he found that his trolley was missing. Thereafter, he reported the matter to the police. Bhola Singh and Dalbir Singh (present petitioner) were arrested by the police in FIR No.04 dated 08.01.2024 under Sections 457, 380 and 411 IPC, registered at Police Station Sadar Samana and during the interrogation of the said case, the stolen trolley of the complainant was recovered and thereafter, both the persons were nominated as accused in the present case.

3. Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and he has been falsely implicated in this

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case. He further submits that the FIR was registered on 20.02.2024 and the petitioner was arrested on 01.03.2024 and the recovery of the stolen trolley was effected after nine days and therefore, it is hard to believe that person who had committed theft had kept the stolen vehicle with him for a period of nine days. Therefore, it is a case of false implication and the petitioner may be granted the concession of regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 04 months and 19 days. He submits that there are 03 more cases registered against the petitioner in one case he has been acquitted and in the other two cases he is on bail. None of the prosecution witnesses have been examined till date. He further submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner is in custody since 01.03.2024 and he has undergone actual custody of 04 months and 19 days and none of the prosecution witnesses have been examined. Therefore, the further incarceration of the petitioner would not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is



ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

19.07.2024
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No