



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

CRM-M-33926-2024
Date of Decision : 23.07.2024

RAJBIR SINGH @ MUNSHIPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms.Rimple Saini, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.23, dated 05.03.2023, under Sections 379-B, 148 and 149 of the IPC, registered at Police Station Kathu Nangal, District Amritsar.
2. The prosecution story as set up by the complainant, on the basis of which the present FIR has been registered, reads as under:-

“It is requested that I am Simranjit Singh, son of Mr. Amrik Singh, a resident of Village Khaihra Kotli Dakkhana- Bhikhariwal, Tehsil and District- Gurdaspur and doing duty in Sri Amritsar (Raja Sansi) in Department of Air Force. I was going on duty to Raja Sansi from my village Khaihra Kotli. At around 8:40 in the evening, I reached the village of Leharka Maur and a white car was coming behind me with about 4 passengers. It hit my motorcycle behind me and threw me and showed me a revolver and took away my bag, kit and my mobile, motor cycle number PB 06 AS 0987 HF DELUXE (red stripe in black color) and my purse and they escaped in their vehicle to Sri Amritsar. Apart from 2 uniforms of Ministry of Air Force in

my bag, a smart phone with 2 Sim numbers sim no (1) 7087687484 (Airtel Company) (2) 8760774091 (Jio Company) and about Rs.500/- in my purse, Aadhaar Card, Canteen Card, PAN Card, ATM Card (Axis Bank) Driving Licence, Identity Card of the Department, Motor Cycle No. PB06R4203 (Bajaj Pulsar which was in the name of Simranjit Singh) the stolen motorcycle bearing No. PB06AS0987 HERO DELUXE COMPANY Model 3rd March 2018, which was in the name of my uncle Shri Kuldeep Singh Village Khaihera Kotli Post: Bhikhariwal Tehsil and District Gurdaspur. For which I searched a lot but could not find anything. Please take action as per the instructions of the department and return the stolen goods to me. You will be very kind. Yours faithfully, SD/- Simranjit Singh
Simranjit Singh Son of Mr. Amrik Singh Resident of Village- Khaihera Kotli Post Office- Bhikhariwal Tehsil and District- Gurdaspur.”

3. In asking for the relief (*supra*), learned counsel for the petitioner, submits that there is no cogent inculpatory evidence with the prosecution to connect the petitioner with the present crime, except the statement of a co-accused of the petitioner.

4. Finally, referring to the days of in incarceration, i.e. More than 4 months as on today, she further submits that the trial is at initial stage and is not progressing further, therefore, the petitioner is entitled to be released on regular bail.

5. She also submits that out of the total 7 accused cited by the prosecution, 4 have already been granted bail. She also placed reliance upon Annexures P-3 to P-6, i.e. the orders passed by a co-ordinate Bench, whereby, the co-accused including the accused- Bachittar Singh, from whom the recovery has been effected, have been granted regular bail.

6. Notice of motion.

7. Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of respondent-State and vociferously opposed the asked for relief (*supra*), and has filed custody certificate *qua* the petitioner, which reflects that the petitioner has suffered incarceration of 4 months and 20 days, as on today, and he is stated to be involved in one more criminal case, but he is stated to be on bail in that case.

8. He further submits, on instructions imparted to him by the police official concerned, that final report has already been filed, and charges have been on 11.03.2024. In the final report, the prosecution has cited total 19 witnesses, but none of them, have been examined so far.

9. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

10. Be that as it may be, considering the fact that the co-accused of the petitioner have already been extended the relief of regular bail and the petitioner is in co-padestrial as well as the fact that the petitioner has suffered incarceration of 4 months and 20 days as on today, and though he is involved in one more criminal case, however, he is on bail in that case, coupled with the fact that trial is yet to begin as out of the total 19 witnesses in the final report, none have been examined so far, therefore, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. 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 their respective bail bond and surety bond to the

satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

July 23, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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