

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

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CRM-M-34965-2024
Date of Decision : **July 29, 2024**

GURDEV SINGH ALIAS VICKY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Sahil K. 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.0275 dated 15.10.2023, under Section 379-B IPC registered at Police Station Jandiala Sadar, District Amritsar Rural.

2. The allegations, as levelled in the present FIR, reads as under:-

“Statement of Ramandeep Kaur wife of Satnam Singh r/o Gadharrajza, PS: Matewal, District Amritsar, aged about 47 years Mobile No. 78894-60253, stated that I am President of the above address and am a homemaker. Today on dated: 15/10/2023 in the morning, I was going along with my daughter Samreen Kaur on Active scooter No. PB 11 AU 6411 and reached near gurdwara Saheed Ganj Sahib for paying my obeisance and my husband, Satnam Singh, was also on the motorcycle and had also gone for the same purpose and after paying obeisance, I was returning on Activa along with my daughter, Samreen Kaur, as the Activa was being driven by me

and was to drop my daughter in her matrimonial house at Baba Bakala Sahib and my daughter was on pillion and my husband on the motorcycle was behind us and at about 5:45 PM when we had reached the petrol pump at Mallian, then, one young man on the motorcycle while crossing my Activa had snatched the purse of my daughter, Samreen Kaur in which there was Mobile phone of VIVA S1 with SIM No. 6284717556 of JIO and one gold chain of about 10 grams. Myself and my husband on the motorcycle had chased the motorcycle to quite a distance and after going some distance the motorcycle slipped and the riders had fallen down. The driver of the motorcycle had taken the purse and started to run away and the other young man was caught hold by myself and my husband and the public, along with the motorcycle and upon having verified his name, he informed his name to be Gurdev Singh alias Vicky son of Santokh Singh r/o Colony, Khilchian and upon having informed you, you have come at the spot and Gurdev Singh along with the motorcycle is handed over to you. Gurdev Singh alias Vicky and another unknown person should be proceeded against. I have got recorded my statement, which is correct. Sd/- Ramandeep Kaur."

3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

- (i) Petitioner was not apprehended from the spot, rather he was arrested by the Police later on and has been falsely implicated in the present case;***
- (ii) During investigation, nothing was recovered from the petitioner, except the motor cycle, which is alleged to be used in the commission of crime.***
- (iii) Petitioner has undergone incarceration of more than 9 months as on today.***

4. Per contra, the learned State counsel, who is in receipt of advance notice, has placed on record the custody certificate of the petitioner, as issued by the Superintendent of Central Jail, Amritsar. A perusal of the custody certificate (supra), reveals that the petitioner was arrested on 15.10.2023, and the petitioner is involved in one more case but he is on bail in that case. The custody certificate further reveals that petitioner has suffered incarceration of 9 months and 8 days, as on today. He further submits on instructions from the quarter concerned that the challan has been filed on 24.3.2024 but the charges have not yet been framed.

5. This Court has examined the instant petition and is of the considered opinion that the instant petition is amenable for being allowed.

6. The reason for forming the above inference emanates from the factum that:- (i) as per custody certificate (supra), the case is still at the stage of investigation; (ii) during investigation, nothing was recovered from the petitioner, except the motor cycle, which is alleged to be used in the commission of crime.; (iii) no fruitful purpose would be served by keeping the petitioner behind the bars, who has undergone actual custody of about 9 months and 8 days; (iv) the petitioner is involved in one more case, however, he is on bail in that case.

7. Considering the hereinabove made discussion, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.



9. All pending application(s) stand disposed of accordingly.

July 29, 2024
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(KULDEEP TIWARI)
JUDGE

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