



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36410-2024
Date of Decision : 05.08.2024

LOVEPREET SINGHPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ankit Kharbanda, 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 him being enlarged on regular bail, in case FIR No.252, dated 16.10.2023, under Section 379-B of the IPC (Sections 482, 411, 414 and 34 IPC, added later on), registered at Police Station Model Town, District Hoshiarpur.
2. The allegation against the present petitioner is that he alongwith four other persons, snatched a car make Bolero bearing no.HP-74-A-6013, belonging to the complainant-Atul Chaudhary, and thrown him away out of the car. They also took alongwith the car, documents of car, his driving licence and mobile phone and Rs.5,000/-.
3. Learned counsel for the petitioner, in asking for the relief of regular bail, submits that the present petitioner is behind bars since

22.11.2023, however, the final report has been submitted by the prosecution, but the charges are yet to be framed by the learned trial court concerned.

4. He further submits that the present petitioner has not been named in the instant FIR, and the same has been registered against some unknown persons. He also submits that though the petitioner is involved in two other criminal cases of similar nature, however, he has been granted bail by the courts below vide orders dated 21.03.2024 and 09.05.2024.

5. He over and above submits that no recovery has been effected from the petitioner, which could connect him with the alleged crime.

6. Notice of motion.

7. Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of respondent-State and vociferously opposed the asked for relief (*supra*), to the present petitioner, and has placed on record a custody certificate *qua* the petitioner, which is taken on record. It reveals that the petitioner has suffered incarceration of 8 months and 9 days as on today.

8. He in addition, on instructions imparted to him by the police official concerned, submits that though the petitioner is involved in two more criminal cases of a similar nature, however, he is on bail in those cases. He further informs this Court that the final report in the instant FIR, has already been filed on 20.01.2024, in which the prosecution has

cited 30 prosecution witnesses, and till date the charges have not been framed by the learned trial court concerned.

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, considering the fact that the petitioner has suffered incarceration of 8 months and 09 days as on today, and no recovery is to be effected from him, and though he is involved in two other criminal cases, however, he is on bail in both the cases, coupled with the fact that the trial is yet to commence as charges have not been framed, 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 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.

11. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is 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.

August 05, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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