

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

2024:PHHC:099155



CRM-M-36290-2024
Date of decision: 02.08.2024

Mohni Gagat		Petitioner
	Versus	
State of Punjab		...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Amandeep Singh, Advocate
for the petitioners.
Mr. Sahil R. Bakshi, AAG, Punjab.
Mr.Sandeep Kumar, Advocate for the complainant.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for their being enlarged on regular bail, in case FIR No.99, dated 13.11.2023, under Sections 323, 341, 34 IPC, and added Section 379-B IPC later on, registered at Police Station Division No.4, District Ludhiana.

ALLEGATIONS AGAINST THE PETITIONER

2. On the basis of statement suffered by the complainant, Sunny Kumar, the aforesaid FIR, has been registered which reads as under:-

“Statement of Sunny Kumar son of Ramesh Kumar, resident of House No. 64, New Threeke Colony, Village Threeke, Ludhiana, aged about 33 years, Mo No: 84370-22422, stated that I am a resident of afore said address and I am employed as a Clerk in Indian Bank, Allahabad, Sunet Road, Sarabha Nagar, that I along with my job, I am a social worker also. That today, on 13-11-2023, the mother of my friend Ajay Pal, resident of Qila Mohalla, Ludhiana, was cremated at the crematorium near Bajwa Nagar Puli, that at about 4:20 PM, that when I was going

inside crematorium, Sachin Dhigan, resident of Qila Mohalla, Ludhiana called me to come to him and along with Sachin Dhigan, Mohni Gagat and 3-4 unidentified persons, whose names I do not know, started beating me. That out of them, one of the unknown person started making a video of giving beatings to me on his mobile phone. Sachin Dhigan and Mohni Gagat hit me on the head with bracelets, due to which I got injured. Mohni Gagat pulled, about 5 tolas gold chain from my neck and one earring was also pulled from my ear. My friend saw me bleeding and took me to C.M.C. Hospital, Ludhiana for treatment and I was unconscious. That now, I under treatment at C.M.C. Hospital. That legal action should be taken against Sachin Dhigan, Mohni Gagat and 3-4 unidentified persons. Statement have been recorded with you, read, heard and found to be correct. SD/- Sunny Kumar, 13-11-2023 in English, attested by Dilbagh Singh ASI, Police Station Division No. 4, Ludhiana. Dated 13-11-2023. Certified to be True Typed Translation of Relevant Extract of FIR

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONERS

3. Learned counsel for the petitioners submits that earlier, the FIR was registered under Sections 323, 341, read with Section 34 IPC, which are bailable offence, however, subsequently, offence under Section 379-B IPC with regard to snatching, has been added lateron in a supplementary statement made by Mohit Kumar, alleged eye witness. He further submits that co-accused namely Sachin Dhigan who is on equal pedestal has been extended the relief of regular bail by this Court on 02.04.2024 in CRM-M-2258 of 2024. He also submits that the petitioner has suffered incarceration since 09.01.2024. Counsel over and above submits that he is not involved in any other case. The conclusion of trial in the instant case will take a time, and no prosecution witness has been examined so far.

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

(i) Petitioner has suffered incarceration since 09.01.2024

- (ii) The trial of the case is at an initial stage.*
iii) That the charge has not been framed so far and no prosecution witness has been examined.

SUBMISSIONS OF THE LEARNED STATE COUNSEL

5. Learned State counsel submits that the petitioner was arrested way back on 09.01.2024, and final report has been submitted on 06.03.2024 and charges have not yet been framed. He further submits that the prosecution has cited as many as 10 witnesses in final report and none has been examined till date.

6. This Court has heard the learned counsel for the parties concerned and has examined the instant petition, and is of the considered opinion that the instant petition is amenable for being allowed.

7. The reason for forming the above inference emanates from the factum that:- (i) The petitioner has suffered incarceration since 09.01.2024 (ii) No fruitful purpose would be served by keeping the petitioners behind the bars, (iii) Trial is not likely to conclude anytime soon.

FINAL ORDER

08. Considering the hereinabove made discussion, this Court deems it fit and 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.

09. 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.

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

11. All pending application(s) stand **disposed** of accordingly.

02.08.2024

sd

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No