



CRM-M-36696-2024 #1#

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

Date of Decision:-20.09.2024

CRM-M-36696-2024

Hardeep Singh @ Gurman.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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CRM-M-26337-2024(O&M)

Binder Singh @ Gora.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sandeep Verma, Advocate for the Petitioner
(in CRM-M-36696-2024).

Mr. Ramnish Puri, Advocate for the Petitioner
(in CRM-M-26337-2024).

Mr. Eklavya Darshi, DAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

By this common order I shall dispose of both the
aforementioned petitions as the same have arisen out of one and the same
FIR.

2. The Prayer in these petitions under Section 439 Cr.PC is for the
grant of regular bail in case FIR No.11 dated 07.02.2024 under Section 379-



B, 341, 34 IPC registered at Police Station Nihal Singh Wala, District Moga.

2. The present FIR came to be registered at the instance of Sarban Singh son of Ganga Singh and the same reads as under:-

“ Statement of Sarban Singh son of Ganga Singh son of Mohan Singh resident of Kotli Maliya, Tehsil and District Amritsar, aged about 58 years. Mobile No. 99293-58191. Stated that I am a resident of above noted address. I have one son and five daughters. My son Jagraj Singh died about one year back. I have been working for the last six months with Naurang Transport Company, Kot Ise Khan as a driver, vehicle No.PB-05-AN-6755. I go alone to Modern Dairy Karnal, Haryana after collecting milk from Bani Dairy, Kot Ise Khan in a tanker. On dated 07.02.2024 after putting 18340 liters of milk in the daily milk dispenser, I left Kot Ise Khan for Karnal at around 01.00 AM when I went to Himmatpura bridge a little ahead to Barnala side then from Moga side, the driver of a Mahindra pick-up vehicle came and cut me off, then I ran away with my tanker, the driver of the Mahindra pack-up stopped his vehicle in front of my tanker and asked me to open the window. At the same time three unknown persons alighted from the Mahindra Pick Up vehicle and started to open both the windows of my tanker. After opening the window, they grabbed me with the intention of stealing the vehicle, pushed me aside from the driver seat and put the vehicle aside of the road and took the milk from the tanker and took Rs. 700/- from my purse. After taking the money and taking out some diesel from the tanki, all these people closed the window of tanker and ran away in a Mahindra pick-up vehicle. Then due to fear, I drove my tanker to some distance and told everything to my owner Ram Lubhaya about the incident from my mobile. On the saying of my owner, I took my Tanker to the Village Dhangu Wala Center at Sangrur and after going to the Canter Center, I got weighted the milk that was taken out, it was 1860 liters of milk and about 100 liters of diesel by the persons of Mahindra Pick up vehicle from the Tanki of Tanker. Now I along with my owner have come to record my statement to you. I have got recorded my statement to you, read out, heard and is correct. Action should be taken against unknown persons. Sd/- Sarban Singh the above written statement is correct. Ram Luhaya son of Kasauri Ram resident of Kot Ise 2024. Verification. Khan

**CRM-M-36696-2024 #3#***Date 07.02.2024.”*

3. The owner of the tanker namely Ram Lubhaya got recorded his supplementary statement to the effect that they had inquired on their own level and had found that Hardeep Singh @ Gurman (petitioner in CRM-M-36696-2024) and Binder Singh @ Gora (petitioner in CRM-M-26337-2024) had committed the offence in question along with their unknown associates.

Based on the said statement the petitioners were nominated as accused in the present case on 11.02.2024 and it was established from their call records that they were present near the place of occurrence on the date of the occurrence.

4. The learned counsels for the petitioners contend that the petitioners had been falsely implicated in the present case. The recovery of the vehicle allegedly used in the occurrence had been foisted upon the petitioner-Hardeep Singh @ Gurman. As the petitioners were in custody since 24.04.2024 and 31.03.2024 respectively but none of the 09 prosecution witnesses have been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

5. The Counsel for the State has filed reply dated 19.09.2024 by way of affidavit of Mr. Anwar Ali, PPS, Deputy Superintendent of Police, Sub Division, Nihal Singh Wala, District Moga in one of the petition bearing CRM-M-26337-2024 in court today, which is taken on record. While referring to the said reply he contends that the culpability of the petitioners was established during the course of the investigation. Petitioner-Binder Singh @ Gora was a habitual offender being convicted in case bearing FIR No.55 dated 28.04.2010 under Sections 15/61/85 of the NDPS Act P.S.



Sadar Moga and an undertrial in FIR No.76 dated 8.7.2023 under Sections 379/411 IPC P.S. Sadar Moga. As regards petitioner-Hardeep Singh @ Gurman he states that the said accused does not have any any criminal antecedents. However, the vehicle allegedly used in the offence was recovered at his instance along with three blue colour drums. He therefore states that the petitioners were not entitled to the concession of bail. He however concedes that Hardeep Singh @ Gurman was in custody since 24.04.2024, Binder Singh @ Gora was in custody since 31.03.2024 and that none of the 09 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioners and their co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioners are in custody since 24.04.2024 and 31.03.2024 but none of the 09 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioners is not required.

8. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners-**Hardeep Singh @ Gurman** son of Jugraj Singh and **Binder Singh @ Gora** son of Sh. Sardara Singh are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that they are not involved in any other crime other than the cases mentioned in this order.

10. If the petitioners or any of their family members/associates



make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

11. The petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.1,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.
12. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 20, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No