



218.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38186-2024
Date of decision: 12.08.2024

Karan Rai Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sukhwinder S. Aviraj, Advocate, for the petitioner.
Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J. (Oral)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.03, dated 04.01.2020, registered under Section 379-B IPC, registered at Police Station City Hoshiarpur, District Hoshiarpur.
2. The aforesaid FIR was registered on the statement of Karun Gandhi, complainant, with the allegation that on 04.01.2020 at about 5:30 A.M., he was going to his shop carrying his laptop bag, currency bag containing Rs.3,15,000/- and account books. When he opened the dickey of his car in the parking, two youths with muffled faces, hiding themselves under the orange plant, came there and gave fist blow on his face and snatched his bag containing money and ran away towards Bahadurpur road,

Committee Bazar. During investigation, accused Satnam Singh was arrested and suffered statement that he, in connivance with his brothers, namely, Karanvir @ Kanni, Nishant Rai, Mandjit Kumar and Nikhil had snatched the currency bag of the complainant.

3. Learned counsel for the petitioner submits that the petitioner was not named in the present FIR. There is no direct evidence against the petitioner. It is on the basis of disclosure statement of Nitish, he was nominated in the present FIR. Said Nitish was already arrested in another FIR bearing No.132, dated 24.04.2020. Petitioner has been falsely implicated in the present case.

3.1 Learned counsel further submits that earlier the petitioner was granted bail by learned Additional Sessions Judge, Hoshiarpur vide order dated 14.12.2021. He was regularly appearing before the trial Court but in the month of April, 2023, he went to Chaar Dham Yatra in Uttarakhand to pay obeisance there, but due to heavy rain and land sliding, he got stuck there for few months and could not appear before the trial Court, due to which, his bail was cancelled and he was declared proclaimed offender vide order dated 30.08.2023. He was arrested on 04.09.2023. He further submits that his co-accused Nishant Rai has already been granted the concession of regular bail by this Court vide order dated 02.08.2024 passed in CRM-M-36141 of 2024 and he seeks parity.

4. Ms. Avneet, AAG, Punjab has appeared in this case in pursuance of the notice of the instant petition having been sent to the

respondent-State in advance. Though she has opposed the bail to the petitioner but does not dispute the custody and the fact that his co-accused has already been granted bail by this Court.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the paper book.

6. Considering the fact that the petitioner is already in custody for the last about 11 months after his arrest and the co-accused has already been granted bail by this Court, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Duty Magistrate, with the further condition that he shall get his mobile phone registered in the trial Court for receiving messages on CIS system and shall not change his mobile phone during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned police station. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case

and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

August 12, 2024
sanjeev

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