

CRM-M-40421-2024
CRM-M-40422-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40421-2024
Reserved on: 15.10.2024
Pronounced on: 19.10.2024

Satnam Singh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-40422-2024

Lakhwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Renu Arora, Advocate
for the petitioner(s).

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
39	09.04.2024	Division-7, District Jalandhar	379, 411 and 34 IPC (Section 379-B IPC deleted)

1. Vide this common order, CRM-M No.40421 of 2024 and CRM-M No.40422 of 2024 are being disposed of.
2. The petitioner(s) incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
3. Per paragraph 11 and 14 of the bail application, the accused have the following criminal antecedents respectively:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	114	21.08.2020	188 IPC and 51 of Disaster Management Act, 2005	Satnampura, Phagwara

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Sr. No.	FIR No.	Date	Offenses	Police Station
1.	76	29.05.2022	454, 380, 34 IPC	Sadar Jalandhar
2.	123	27.10.2023	379-B, 411, 34 IPC	Sadar Nakodar

4. The facts and allegations are being taken from the reply filed by the State in CRM-M-40421-2024 and the State adopt the same reply even in the other bail petition i.e. CRM-M-40422-2024, which reads as follows:-

“3. That present FIR No. 39 dated 09.04.2024 U/S 379B, 379, 411, 34 of IPC at Police Station Division No.7, Jalandhar was registered on the statement of ASI Daljinder Lal and it was initially registered against Rohit Kumar, Lakhwinder Singh and Satnam Singh Le. present petitioner (accused Navpreet Singh, Dishant Sharma, Debu, Shiv Sharma, Vicky and Sunil Kumar@ Rinku were nominated later on) wherein ASI Daljinder Lal stated that on 09.04.2024, he was present in the area of Garha Chowk, Jalandhar in relation to police patrolling and he received secret information that accused Rohit, Lakhwinder @ Mani and Satnam Singh (ie. petitioner) were habitual of committing thefts and snatching. It was further informed that on the same day, the above-mentioned three persons were roaming in the area of Bus- Stand, Jalandhar and were coming towards PIMS Hospital, Jalandhar on a stolen motorcycle and were planning to commit the offence of snatching. It was further reposed that if a picket is laid at an appropriate place, then they can be apprehended.”

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“The petitioner was one of the riders of the motorcycle that was seized at the spot when the accused were arrested. The ownership of the motorcycle could not be established. A mobile phone of make Samsung was recovered from the petitioner at the time of his arrest whose ownership could not be established. The inability of the petitioner to establish ownership of the motorcycle and the mobile phone seized from him proves that the petitioner and the other co-accused were not the rightful owners of those articles.”

8. The evidence collected so far is sketchy. Even the initial registration of FIR based on informer's report should have not been done. Given above, the arrest was prima facie illegal. Based on such illegal arrest, the police recovered two mobile phones and thus

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tried to justify their initial illegal action. It is strange that how based on informer's report that petitioners were habitual of committing theft and snatching, they were apprehended and arraigned them as accused in an FIR which was already registered even when no recovery had taken place. It is strange that the Sessions Judge had rejected the bail despite the fact that there is no evidence. If the Session Judges continue to dismiss the bail in the cases of practically no evidence or such sketchy evidence, it will undoubtedly burden the High Court with unnecessary bail petitions. Firstly, the petitioner should not have been arrested and secondly even if they were arrested, it was for the Court who had sent the petitioners for judicial remand not to do so and further, it was unfortunate for the Sessions Court to reject the bail applications.

9. As per paragraph 7 of the bail petition(s), the petitioners have been in custody since 09.04.2024 and the petitioners' total custody in this FIR is 06 months and 01 day. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there was no justifiability for further pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and

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circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.10.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.