



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

(THROUGH VIDEO CONFERENCING)

CRM-M-43714-2023

Date of Decision:-16.05.2024

Pawanjeet Singh & Anr.

.....Petitioners.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. S.K. Chawla, Advocate for the Petitioners.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this second petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.57 dated 15.04.2023 under Sections 379-B, 379, 341, 34, 411, 413 IPC (Sections 411 and 413 IPC added later on) registered at Police Station Sadar, Faridkot.

2. The present FIR came to be registered at the instance of Gursahib Singh which reads as under:-

“ Statement of Gursahib Singh son of Jugraj Singh son of Kabal Singh, resident of village Harie Wala, Aged About 55 years, Mobile No.98146-36293 stated that I am resident of aforesaid address and doing agriculture work. My land is situated on the road from village Harie Wala to village Budhimal where on my bore one 8 Power engine is installed. In these days mostly electric motors, transformers and engines etc. installed in the fields are being stolen away and



due to this reason residents of our village remain vigilant and awakened. In the intervening night of dated 14/15-04-2023 at about 1:30 night I was going to my lower side fields for inspecting my motor and engine then a Mahindra Bolero Pick Up vehicle came from Hariewala side who stopped their vehicle and they besieged me and out of these persons two were having Kapas in their hands and they pounced upon me and took out the purse from my pocket which contains Rs.3,000/- and these persons went away Budhimal side. on their vehicle towards I raised the noise loudly. Thereupon, the residents of my village reached at the spot on their vehicles and motorcycles and they started chasing that vehicle which was being driven by the driver at full speed as a result whereof, the said vehicle became out of control and the same had fallen in the deep place in the fields and the residents of my village and village Budhimal also came there and they overpowered three persons whereas one person was successful in fleeing away. Due to falling of the vehicle, the persons occupying the same had suffered many injuries and when the vehicle was checked, three engines of 8 Horse Power were loaded therein. When we asked the names of overpowered persons, then one told his name as Arshdeep Singh son of Pritam Singh son of Inder Singh, Pawanjit Singh son of Nirmal Singh son of Darbara Singh, Manpreet Singh son of Nirmal Singh son of Darbara Singh, residents of village Lambhwali District Faridkot and the person who had run away was told to be Balwant Singh son of Gurmeet Singh son of Mahinder Singh resident of village Lambhwali, District Faridkot. Having found the gathering of people multiplying we sent the aforesaid persons to the house of Ramandeep Singh Sarpanch son of Gurtej Singh resident of village Hariewala in the supervision of Sukhpal Singh son of Bant Singh, Ajaib Singh son of Jameet Ex-Panch and two more persons of the village. The vehicle along with the engines was lying at the spot of accident and when we checked the engines properly, one engine was found to be of



mine and the second engine was of Karamjit Singh son of Gurjant Singh, resident of village Hariewala and we could not learnt about the third engine. The said persons having armed with weapons have firstly snatched my Purse and they have stolen engines from our fields and therefore strict action may be taken against them. I along with Ramandeep Singh Sarpanch son of Gurtej Singh resident of village Hariewala were coming to you but you have met us. We have got recorded our statement which have been heard and read by us which is correct. Sd/- Gursahib Singh."

3. During the course of the investigation the Bolero vehicle was taken into possession along with 03 engines of 08 hps and two kappas used as weapons of offence. The petitioners were arrested and offence under Sections 411 IPC was added. Arshdeep Singh was found to be a minor-Juvenile. He disclosed that he along with the present petitioners were involved in committing the instant offence and had also committed similar offences earlier. On the basis of the disclosure statement of Arshdeep Singh Didar Singh and Gurjeet Singh along with Pappu, Scrap dealer were nominated as accused. Vishnu @ Pappu Scrap dealer was apprehended. He disclosed the name of Bodh Kabaria and one Neela Scrap dealer. Both were nominated as accused and were apprehended.

4. The learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. The vehicle belonged to their father Nirmal Singh who was using it for commercial purposes. It had been taken on rent by Balwant Singh and Didar Singh in the evening on 15.04.2023. The offence if any had been committed by them but the petitioners had been roped in for certain ulterior motives. As the petitioners were in custody since 18.04.2023 but only 04 of the 15 Pws had 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.

4. The Counsel for the State on the other hand has filed a Status report by way of affidavit dated 15.05.22024 of Mr. Shamsher Singhh, PPS, Deputy Superintendent of Police, Sub Division, Faridkot, District Faridkot in the court today, which is taken on record. While referring to the said status report, he contends that the petitioners were apprehended at the spot and various recoveries were effected from them. In fact the vehicle belonged to their father. Therefore, the nature of the allegations levelled against the petitioners did not entitle them to the grant of bail. He however concedes that the petitioners were in custody since 18.04.2023 but only 04 of the 15 Pws 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 18.04.2023 but only 04 of the 15 Pws 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.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioners-**Pawanjeet Singh** son of Nirmal Singh and **Manpreet Singh** son of Nirmal Singh are ordered to be released on bail subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. 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.



11. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- 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 petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 16, 2024
Vinay

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