

217/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision:29.02.2024

(i) CRM-M-45519-2023

Gurpreet Singh alias Sonu ...Petitioner

vs.

State of Punjab ...Respondent

(ii) CRM-M-60078-2023

Sunil Kumar ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Vishal Aggarwal, Advocate
for the petitioner in CRM-M-45519-2023

Mr. Rajesh Bhatheja, Advocate
for the petitioner in CRM-M-60078-2023

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J.

1. This order shall dispose of above-said two petitions i.e. CRM-M-45519-2023 titled as Gurpreet Singh alias Sonu Vs. State of Punjab and CRM-M-60078-2023, titled as Sunil Kumar Vs. State of Punjab, whereby the petitioners have prayed for grant of regular bail to them in case FIR No. 128 dated 17.06.2023 registered under Sections 379-B, 34 of IPC, at Police Station Tibba, District Ludhiana.

2. The FIR in the present case was registered on the basis of the statement made by Baljit Singh and the same has been reproduced below:-

“To the SHO Police Station, Tibba, Ludhiana. Today myself ASI Baljit Singh No. 2164/ Ludhiana, Constable Harmanvir Singh No. 3836/LDH and PHG Nirmal Singh No. 28987 were patrolling on private vehicles and were present at Gopal Nagar in connection with the search of suspected persons. Then the special informer came there and gave a secret information that Gurpreet Singh resident of village Rauli, District Moga and Sunil Kumar resident of Camp Market, District Moga are addicted to taking intoxicants and on 14.6.2023 they had snatched away a gold chain from a woman who was standing in the street of Mohalla G.K. Estate Block A and after snatching the chain accused persons have fled away from the spot on their motorcycle bearing No. Pb-29AE 8124 Mark Pulsar of black colour and their video is being made viral in the social media. Even today Gurpreet Singh along with his companion Sunil Kumar is coming towards Tajpur Road Gopal Nagar Chowk with an intent to commit snatching and looting. Gurpreet Singh has worn a T shirt of orange colour and both of the above accused are cut hair and if instant Nakabandi is laid then Gurpreet Singh and his companion can be apprehended. The information is reliable and trustworthy and thus Gurpreet Singh in furtherance of common intention of his companion Sunil Kumar have attracted the offence under section 379-B, 34 IPC. Hence, a Ruqa is being sent to the Police Station by hands of PHG Nirmal Singh No. 28987 for registration of FIR above accused persons. After registration of FIR the case number of FIR be intimated. Myself ASI along with fellow police party is busy at Nakabandi. Today in the area of Gopal Nagar Chowk at 07:35 PM. Sd/- Ramesh Lal ASI.”

3. Learned counsel for the petitioners contend that the petitioners have been falsely involved in the present case and were wrongly arrested on 17.06.2023. They further contend that gold chain and pendant, which were

allegedly snatched by them, have already been recovered during the course of investigation. Learned counsel further contend that the final report under Section 173 Cr.P. C has already been presented against the petitioners and the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that 05 more cases have been registered against Sunil Kumar @ Sunny and 02 other cases have been registered against Gurpreet Singh and they do not deserve the concession of bail, by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the petitioners were arrested on 17.06.2023 and are in custody for the last more than 8 months. No doubt, other cases have been registered against the present petitioners, but the same do not serve as a ground to deny the concession of bail to the petitioners in the present case, especially when they have been able to make out a case for grant of bail in the present case. Thus, the petitioners can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another 2012(1) R.C.R. (Criminal) 586***.

7. Without commenting any further on the merits of the case, in view of the law laid down by the Hon'ble Supreme Court in the matter of ***Prabhakar***

Tewari’s case (Supra) and Maulana Mohd. Amir Rashadi’s case (Supra), both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.*
- (ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioners shall surrender their passport, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*
- (v) The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.*
- (viii) The petitioners shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark their presence by making an entry in the rojnamcha. In case, they do not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to them shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

29.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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