



CRM-M-45056-2024

1

225

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45056-2024

Decided on : 13.11.2024

Vishal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Sahil Bansal, Advocate
for the petitioner

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.190 dated 30.12.2023 under Sections 379B(2), 379, 411 IPC (Section 489 IPC added later on) registered at Police Station Chattiwind, Amritsar Rural District Amritsar.

2. The brief facts of the case are that the above stated FIR was registered on the basis of the statement of complainant namely Akhil Gupta who was working as Zomato delivery partner/agent. He has alleged that on 25.12.2023, when he was coming to Celebration Enclave Gurwali after receiving food parcel from Surjit Food Plaza, Lawrence Road, Amritsar on his motorcycle bearing number PB-02-EG-0538, at about 8:30 in the night when he reached at the end of the descent of the bridge on Tarn Taran road, there two young men on a Bullet



CRM-M-45056-2024

2

motorcycle and three young men on a Splendor motorcycle came riding behind him, who stopped him and the young man sitting behind the Bullet showed a dattar to him and snatched two mobile phones alongwith his wallet containing 7800 rupees in cash, three ATM cards, Aadhaar card from him and escaped on their motorcycle.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and the FIR has been registered after a delay of 05 days and the test identification parade was not conducted in the presence of Judicial Magistrate. The petitioner has undergone an actual custody of 05 months and 02 days and is not involved in any other case. He further submits that similarly situated co-accused Gurpreet Singh alias Gora and Jugraj Singh alias Bau alias Bauu have been granted the concession of regular bail by this Court vide order dated 22.08.2024 passed in CRM-M-39568-2024 and order dated 24.09.2024 passed in CRM-M-46126-2024.

4. Learned State counsel has filed the custody certificate dated 12.11.2024 in Court today, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 05 months and 02 days and there is no other criminal case registered against him. Moreover, on instructions, he submits that charges were framed on 25.07.2024. He also submits that out of total 17 prosecution witnesses, none has been examined till date. However, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be

established during the course of the trial. The petitioner has undergone an actual

**CRM-M-45056-2024****3**

custody of 05 months and 02 days and is not involved in any other case. Out of 17 prosecution witnesses, none has been examined till date. The trial of the case will take considerable time and no useful purpose will be served by detaining the accused in custody. Similarly situated co-accused Gurpreet Singh alias Gora and Jugraj Singh alias Bau alias Bauu have already been granted the concession of regular bail by this Court vide order dated 22.08.2024 passed in CRM-M-39568-2024 and order dated 24.09.2024 passed in CRM-M-46126-2024.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.



CRM-M-45056-2024

4

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition

(KIRTI SINGH)
JUDGE

November 13, 2024
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No