



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-47167-2024

Date of decision: 15.10.2024

SHAMSHAD

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0043 dated 01.03.2024 under Section 382 of the IPC (Later on Sections 395, 324, 412, 411 and 120-B of IPC were added and Section 382 was deleted) registered at Police Station Tripuri, District Patiala.

2. Learned counsel for the petitioner has, at the outset, drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1. It has been argued by the learned counsel that as per the allegations levelled in the FIR in question, two youths intercepted the complainant while he was returning from his shop in the evening and thereafter assaulted him with a *Gandasi*; resultantly the complainant received a head injury leading to excessive bleeding. Both the



alleged assailants thereafter fled away from the spot on the TVS Scooter of the complainant after extending threats of dire consequences. While escaping both the alleged assailants also took away the earnings of the complainant, for the day, which he was carrying in a bag. Learned counsel submits that in the FIR in question, there was no mention of any 3rd person either in the vicinity of the occurrence in question nor was any suspicion raised qua the involvement of any other person. However, strangely after 13 days of the alleged occurrence, supplementary statement was made by the complainant wherein he levelled allegations against the petitioner and others as being conspirators to the crime. Learned counsel submits that it is evidently a case of false implication more so when even as per the case of the prosecution he was not present at the scene of the crime. It has still further been argued that investigation in the present case is complete as challan stands presented; however charges have not yet been framed. Hence the likelihood of the trial concluding in the near future seems bleak.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by learned counsel opposite, on instructions from ASI Gurpreet Singh, has not been able to dispute the stage of the trial. It is also not being disputed that the petitioner's name surfaced only in a supplementary statement made after 13 days of the alleged occurrence. However, it has been argued by the learned State counsel that during the interrogation of co-accused Tarun, it came to light that the petitioner was also part of a gang which had conspired



with the co-accused to commit the crime in question. Learned State counsel has further submitted, on instructions, that the next date of hearing before the trial court is 29.10.2024 when the charges are likely to be framed. It is also been submitted that as many as 22 prosecution witnesses have been cited.

On a pointed query, learned State counsel, on instructions, has informed the Court that the petitioner does not have any previous criminal antecedents.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Before proceeding further it would be opposite to reproduce the contents of the FIR, which has been annexed as Annexure P1, as follows:

“Contents of FIR: One statement of Jasdeep Singh son of Davinder Singh Resident of House No. 730 Harinder Nagar Sirhind Road Patiala Age about 46 years Mobile No: 98729-20577 through ASI Gurpreet Singh 2275 Police Station Tripri District Patiala for registration of FIR under Section 382 IPC against 2 hair cut youngster Motor Cycle rider received by hand through Ct Gurpreet Singh 1019/Patiala: police station, which is stated as statement of Jasdeep Singh son of Davinder Singh resident of house number 730 Harinder Nagar Sirhind Road Patiala age about 46 years mobile number 98729-20577 stated that I am a resident of the said address and I work for money transfer and air tickets at shop no 26 Leela Bhawan Market Patiala. Yesterday evening around 07-30, I closed and locked my shop and going back to own house by kept bag of cash in the boot of TVS Jupiter scooter bearing



number PB- 11-DA-9089 colour white. When I turned from Sirhind Road Patiala to next Street to Demmat Property Dealer towards Harinder Nagar Patiala About 50 yards ahead, two hair cut youngster were standing on motorcycle in the middle of the road, When I saw them and did the scooter slow, the young man sitting behind got down from his motorcycle and pushed me, causing my turban to fall off my head and he struck me with the Gandasi armed in his right hand, which hit the right side of my head above the ear due to which my head started bleeding, I fell off my scooter on the paved road I raised death alarm Who snatched my TVS scooter from me and escaped to Harindra Nagar side. Then I on the way on the motorcycle of an unknown sardar person chased them who managed to escape through the streets to whom I can recognize when they appeared. Then I talk about this incident to my friend Preetinder Singh Sahi resident of Ghumman Nagar Patiala on mobile phone who after some time come at the spot in front of Mariya road Tripuri who be seated me in his car and took me to Gobind Hospital for treatment I got my treatment and went to my home due to my health not being good. Regarding the snatched cash, I will check the records of my office and give the details later. Today I was going to the police station to report with my friend Preetinder Singh then you with police party meet us at Kohli Sweet Chawk Tripuri Patiala legal action be taken against the two hair cut young men motorcyclist snatchers. Statement got recorded in the presence of Preetinder Singh, heard admitted to be correct.”

6. Since the investigation in the present case is complete; challan also stands presented coupled with the fact that the petitioner has no previous criminal antecedents and in view of the facts and circumstances as enumerated hereinabove, this Court deems it fit to



extend the concession of bail to the petitioner as no further incarceration of the petitioner is required.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 15, 2024
poonam

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