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

**CRM-M No.49583 of 2024
Date of decision: 15.10.2024**

Prince Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Shvetanshu Goel, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

Mr. Munish Raj Chaudhary, Advocate
for the complainant.

RAJESH BHARDWAJ J.

1. Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying for the grant of regular bail to the petitioner in case FIR No.49, dated 01.05.2024, under Sections 379B(2), 323, 148, 149 of IPC, registered at Police Station Sarabha Nagar, Ludhiana (Annexure P-1).

2. Succinctly the facts of the case are that on 20.04.2024, a complaint was lodged by the complainant wherein it was alleged that he was doing the job of driver with private person and apart from that he used to do the part time work of picking and dropping the passengers on his motorcycle bearing No.PB-91-T-3561. It has also been alleged therein



that on 20.04.2024 at about 10:30 p.m., a ride was booked by one Softy Malhotra and he came to pick her and at that time, one other boy was standing with Softy Malhotra, who had tied a black colour piece of cloth on his head. It was further alleged therein that Softy Malhotra boarded his motorcycle and at about 10:45 p.m. when he dropped Softy Malhotra at Eleven Hotel, Rajguru Nagar, Ferozepur Road, Ludhiana, fare comes to Rs.106/- and when he demanded the same, she said that within 10 minutes her friend would be coming there to pay him fare. It was alleged that one Activa bearing No.PB-91S-6578 and two motorcycles came there. The occupants of said vehicles were having iron Daat in their hands and they gave blows on his shoulder, legs and right hand. They also took the mobile phone, cash and silver chain of the complainant. Thereafter he was treated in the Civil Hospital and after the treatment, he went to his house. A request was made to take the legal action against the culprits. On the basis of the complaint, the FIR was registered and name of the petitioner was nominated in this case at the instance of co-accused, Tirath Singh who was arrested in this case. The petitioner was arrested on 07.06.2024. The petitioner approached the Court of learned Sessions Judge, Ludhiana praying for the grant of bail. However on hearing both the sides, finding no merit, the learned Sessions Judge, Ludhiana declined the same vide order dated 31.07.2024. Hence the petitioner is before this Court by way of filing the present petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that the FIR in the present case has been registered after 10

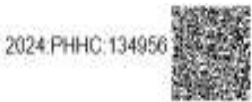


days of occurrence. He has further submitted that after the present occurrence, co-accused, Softy Malhotra, who was a minor, had got registered an FIR against complainant, Jagjit Singh and he has also been granted bail in this case. He has submitted that the petitioner was not even present on the spot at the time of alleged occurrence and no specific role was attributed to the petitioner. He has submitted that name of the petitioner surfaced on the basis of disclosure statement made by co-accused, Tirath Singh. He has further submitted that the petitioner is in custody since 07.06.2024 and thus, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the co-accused, Softy Malhotra is a minor and she has lodged the FIR after the present occurrence which falsifies the complicity of the petitioner in the present case. He has submitted that the bail petitions bearing CRM-M-36031-2024 and CRM-M-45541-2024 filed by the similarly situated co-accused, namely, Reshav @ Vishal @ Shaly and Tirath Singh have also been declined by this Court vide orders dated 02.08.2024 and 18.09.2024 and thus no ground for granting the bail to the petitioner is made out and the present petition deserves to be dismissed.

5. Learned counsel for the complainant has also vehemently opposed the submissions made by learned counsel for the petitioner.

6. The Court has heard learned counsel for the parties and perused the record.



6. It is deciphered from the facts and circumstances of the case that the petitioner along with the co-accused gave injuries to the complainant when he demanded fare from Softy Malhotra and even snatched his mobile phone, cash and silver chain. As per the MLR, there were four injuries on the person of complainant and thus there are serious allegations against the petitioner and his accomplices. The petitioner is in custody since 07.06.2024 and the matter is under investigation.

7. Thus this Court would refrain itself from commenting anything on the merits of the case at this stage. This Court finds that the petitioner does not qualify for the grant of bail at this stage. Thus, the petition being devoid of any merit is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

15.10.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No