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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM Nos.46708-46709 of 2024
in/and CRM-M-48050-2024
Date of Decision: 04.12.2024**

Gulshan Singh alias Prince

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Hitesh Chopra, Advocate with
Mr. Amit Kumar, Advocate
for the applicant-petitioner.

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

N.S.Shekhawat J. (Oral)**CRM No.46708-2024**

1. Learned counsel for the applicant-petitioner wishes to withdraw the present application.
2. Dismissed as withdrawn.

CRM No.46709 of 2024

1. Application is allowed, subject to all just exceptions. Annexure P-7 is taken on record.

CRM-M-48050-2024

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.196 dated 28.06.2023 registered under Sections 379-B, 34, 411 of IPC, at Police Station B-Division Tehsil and District Police Commissionerate.



2. The FIR in the present case was registered on the basis of the statement made by Ankit Sharma son of Ramesh Chander Sharma and the same has been reproduced below:-

“Statement of Shri Ankit Sharma son of Shri Ramesh Chander Sharma, resident of H.No. L-1/136, New Gurnam Nagar, Dashmesh Avenue, Sultanwind Bazar, Amritsar, age about 40 years, M.No.7009068785. Stated that I am resident of aforesaid address and working in Haweli Restaurant in Ranjit Avenue and today at about 12:15 AM, as usual, riding on my Activa No. PB-02-EN-0560 was coming to my house on 100 ft. road and was bowing head on the platform of Hanuman Mandir located on 100 ft. road and meanwhile, two non-sikh young boys, wielding datar, riding on motor cycle, came from behind and soon after arrival they showed datar to me and stated to handover whatever you possess otherwise you have seen datar and meanwhile inflicted blow with datar, from reverse side, on my back and second person had forcibly taken out amount of Rs. 1000/- from pocket of my shirt and they also snatched my mobile and I grappled with them and snatched my mobile phone from them and kept that in my pocket. I raised much alarm of 'bachao' 'bachao' upon which passerby stopped and with their help, these unknown persons were nabbed and meanwhile police reached the spot and asked the persons nabbed by me and other public persons about their names and address, upon which one of them disclosed his name as Gulshan Singh alias Prince son of Rajinder Singh, resident of H.No. 399, near Gurudwara Mata Gujri, New Azad Nagar, ASR while second person disclosed his name as Charanjit Singh alias Toni son of Jaswinder Singh, resident of H.No. 571, New Azad Nagar, Amritsar, near Pal Medical Store, ASR. They have been handed over to you. Because of manhandling having taken place on the spot, injuries have been caused on my person. Aforesaid nabbed accused persons along with datar and their Hero Splendor



motor cycle, without registration number, have been handed over to you. Statement has been got recorded with you; read over and heard and admitting to be correct, I am appending my signatures thereupon. Legal action may be initiated. Sd/- Ankit Sharma.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and no specific role has been assigned to him. He further contends that the petitioner was apprehended in the present case only on the basis of the suspicion and is in custody since 28.06.2023. He further contends that the challan has already been presented against him and the charge was framed by the trial Court on 24.01.2024. Learned counsel further contends that only one witness has been examined so far by the prosecution and the trial has been delayed. Learned counsel further referred to the order Annexure P-3 passed by the Court of Additional Sessions Judge, Amritsar, whereby the concession of bail has been granted to co-accused, Kuldeep Singh @ Appu @ Babba.

4. On the other hand, status report by way of an affidavit of Assistant Commissioner of Police, East, Amritsar City has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in two more criminal cases and is a habitual offender.

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



6. No doubt, the petitioner is stated to be involved in two more criminal cases, but the petitioner cannot be denied the concession of bail in the present case only on the ground that the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. The petitioner is in custody for the last more than 01 year and 5 months and the prosecution has been able to examine only one witness, out of total 23 witnesses. Thus, the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

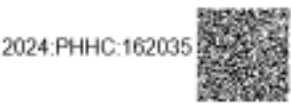
(i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*

(ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*

(iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*

(iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

(v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of*



residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves 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 petitioner.

04.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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