



209.
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-54389-2023 and
CRM-M-1974-2024
Date of decision: 16.09.2024**

(i) Akshay Kumar Petitioner

Versus
State of Punjab Respondent

&

(ii) Vishal @ Vishal Kumar @ BhyiaPetitioner

Versus
State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Raghav Soni, Advocate for the petitioner(s).

Ms. Avneet AAG, Punjab.

GURBIR SINGH, J.(Oral)

1. Vide this common order, two petitions i.e. CRM-M-54389-2023 and CRM-M-1974-2024 shall be disposed of.
2. Both petitions have been filed under Section 439 Cr.P.C for grant of regular bail to the petitioners in case FIR No. 59 dated 03.03.2021 under Section 379-B, 411, 34-IPC and under Sections 394, 395 IPC(Added later on) registered at Police Station Maqboolpura, District Amritsar.
3. As per version of the prosecution, the case was registered on the basis of the statement of complainant-Vaneet Kumar who was working



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as Salesman at a Petrol Pump. On 02.03.2021, he, along with other salesmen Santosh Kumar Mishra, Pankajpal and Sarwan Pade were on duty at the petrol pump. At about 7:45 PM, two youngsters arrived at the petrol pump on two motorcycles and asked them to fill petrol in their motorcycle. In the meanwhile, their three more accomplices arrived there on foot. One of them threatened the complainant by showing some weapon like object and starting giving kick blows to the complainant. Thereafter motorcycle rider who was having short hair, snatched Rs. 8000/- from the pocket of the complainant. Two of the other three persons entered the office of the complainant and by showing weapon like object to Santosh Kumar Mishra robbed Rs. 40,000/- from drawer of the table and also snatched his mobile phone along with other documents and articles and thereafter all the persons fled away from the spot on two motorcycles.

3. Learned counsel for the petitioner(s) submits that the petitioner(s) have been falsely implicated in the present case. The petitioners are in custody for more than 3 years. He further submits that the trial in the case is progressing at snails pace and they are entitled to bail.

4. Learned State counsel has filed the custody certificate(s) in both petitions and the same are taken on record. She has opposed the bail petition by contending that the petitioners are habitual offender. Petitioner-Akshay Kumar is involved in large number of cases and is in custody since 28.04.2021 i.e. for more than 3 years. Petitioner – Vishal is also involved in other cases but fairly admit the fact that he has been in custody since



25.06.2021 in this case i.e. more than 3 years. Prosecution witnesses are being examined. She further submits if the petitioners are released on bail they may indulge in criminal activities again.

5. I have heard the submissions of learned counsel for the parties and have gone through the paper book.

6. In view of the above, it is the admitted fact that the petitioners are in custody for the last more than 3 years. The speedy trial is the right of the accused and if trial is not completed within a reasonable time, then keeping the accused as undertrial in custody for indefinite period, amounts to violation of his fundamental rights. In this case, the completion of trial will also take a long time to decide the culpability of the petitioners. The pendency of other cases cannot be taken as a ground to deny the concession of bail in the case in hand. So, no useful purpose would be served by keeping the petitioners behind bars for a long period.

7. Accordingly, without commenting upon the merits of the case, the present petitions are allowed and the petitioner(s) are directed to be released on regular bail, on their furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned with the following conditions:

- (i) that petitioner(s) shall surrender their passport in the trial Court
- (ii) that petitioner(s) shall get their mobile number(s) registered on the CIS to receive messages and shall not change their mobile



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number(s) during the pendency of the case except with prior permission of Court concerned.

(iii) that petitioner(s) shall disclose to the concerned police station their residence address and they shall not change their said residence without informing the concerned Police Station and trial court.

8. The Court concerned may impose any other conditions. In case of default, the Court concerned is competent to cancel the bail granted to the petitioner(s).

9. It is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

16.09.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No