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

CRM-M-50527-2024

Date of Decision: 04.12.2024

Siddhant Sehgal @ Arjan Sehgal

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Arjun Kapur, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The present petition has been filed the second petition under Section 439 Cr.P.C. with a prayer to grant regular bail to him in case FIR No.127 dated 20.09.2017 registered under Sections 379-B/506 IPC (to which Section 395 IPC has been added later on, therein deleting the Section 379-B of IPC), at Police Station Mahilpur, District Hoshiarpur.

2. The FIR in the present case was registered on the basis of the statement made by Ashok Kumar son of Shyam Lal Gupta. As per the complainant, he was working as a money changer. At about 2.00 p.m. on 20.09.2017, he was present alone in his shop and one white colour car bearing registration No.3264 stopped near his shop and four clean shaven young persons came out of said car. The age of those persons was somewhere between 25-30 years. They came to his shop and one of them said that they wanted to get a payment withdrawn through western union and one of them took out an object, which looked like a pistol and the other one also took out an object



which looked like a gun. The third person took out a dattar and shifted the complainant to one side and took all the money from his locker. While leaving, they threatened him that he should not come out and should not tell anyone about the incident. All of them went towards Garhshanker in their vehicle and out of fear, the complainant could not even scream and could not tell anyone about this incident. Later, he told his son and neighbours about the incident. With these broad allegations, the FIR in the present case was got registered by the complainant.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and his name found mentioned in a report, which was submitted after one year of the occurrence. Even the petitioner was wrongly declared as proclaimed offender as he was in jail in some other case. He further contends that the petitioner was arrested in the present case on 25.03.2022 and is in custody for the last more than 02 years and 08 months. Learned counsel further contends that seven other criminal cases were ordered to be registered against the petitioner, but he is on bail in all these cases. The prosecution has not been able to examine even a single witness so far and the petitioner deserves to be enlarged on bail in the present case. He further contends that all other co-accused have already been admitted to bail in the present case and the custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 7 other criminal cases were ordered to be registered against the petitioner. However, he admits that the petitioner is on bail in all the cases.



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

6. In the present case, all the co-accused have been granted the concession of regular bail in the present case. The petitioner has stated to be in custody for the last more than 2 years and 8 months and no purpose will be served by keeping the petitioner behind bars.

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