



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

237

CRM-M-51230-2024 (O&M)**Date of decision: 12.12.2024****SUPINDER SINGH**

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ajay Singh Bhattian, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

Mr.Farid Singh Virk, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)**CRM-47741-2024**

Application is allowed subject to all just exceptions.

Annexures A-1 to A-3 are taken on record.

CRM-M-51230-2024

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 Sections 382 of the IPC (Sections 395, 324, 412, 411 and 120-B of the IPC added later on and Section 382 IPC was deleted) registered at Police Station Tripuri, District Patiala.

2. Learned counsel for the petitioner has submitted that a perusal of the allegations made in the FIR annexed as Annexure P-1 reveals that two unknown youths intercepted the complainant when he was returning from his shop in the evening and thereafter inflicted head injury with a



Gandasi. Allegedly, both the unknown assailants thereafter fled away from the spot on the scooter of the complainant after extending threats of dire consequences to him. Allegedly, while fleeing, the assailants also took away the earnings of the complainant for the day which he was carrying in a bag. It has been asserted by the learned counsel that in the FIR in question, it had been categorically alleged that only two persons had attacked the petitioner and there was no mention of any other individual being present along with those two assailants nor was any suspicion raised qua the involvement of any other person. However, strangely after almost two weeks of the alleged occurrence, a supplementary statement was made under Section 161 of the Cr.P.C. by the complainant wherein he levelled allegations against the petitioner and some other persons as being the conspirators to the crime. It has also been asserted by the learned counsel that it is evidently a case of false implication, more so, when even as per the case of the prosecution the petitioner was not present at the scene of the crime. Learned counsel for the petitioner has further submitted that not only has challan been presented qua the petitioner but even charges framed. However, none of the 22 prosecution witnesses cited by the prosecution stand examined till date. Hence the possibility of the trial concluding in the foreseeable future does not arise. It has lastly been submitted by the learned counsel for the petitioner that identically placed co accused Samshad, Ankit and Tarun have since been enlarged on bail by this Court vide orders Annexures A-1 to A-3.

3. *Per contra*, learned State counsel assisted by counsel for the complainant, while opposing the prayer and submissions made by the



counsel opposite, on instructions, has not disputed the custody period of the petitioner who was arrested on 13th March 2024. Learned State counsel and Counsel for the complainant also have not disputed the stage of trial. The contents of the FIR, which has been annexed as Annexure P-1 have also not been disputed by the learned counsel for the State as well as learned counsel for the complainant. However, it has been asserted by the learned State counsel that the petitioner was part of a gang who were involved in committing Dacoities. The name of the petitioner came to the fore during the interrogation of co accused Tarun coupled with the fact that Rs. 6 lakhs was recovered from the petitioner.

On a pointed query, learned State Counsel on instructions, has submitted that the petitioner has no previous criminal antecedents.

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

5. Before proceeding further, it would be apposite to reproduce the contents of the FIR annexed as Annexure P-1.

“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. The investigation in the present case is complete and charges also stand framed. However, as not disputed by the learned State counsel, on instructions, neither have any of the prosecution witnesses been examined nor is the petitioner involved in any other criminal case much less of a similar kind. Concededly, even as per the learned State counsel as well as the counsel for the complainant, no suspicion was raised qua the

involvement of any other person in the crime in question at the time of the registration of the FIR in question.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. 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

December 12, 2024

poonam

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