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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52821-2024
Decided on : 28.10.2024

HARPREET SINGH @ HAPPY

. . . Petitioner

Versus

STATE OF PUNJAB

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Amrit Paul Nahar, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.15 dated 10.02.2024, registered under Sections 379-B and 34 of IPC (Section 411 of IPC was added later on vide G.D. No.30 dated 11.02.2024), at Police Station Mahilpur, District Hoshiarpur.

2. Succinctly the facts in brief are that the present FIR has been registered at the instance of Anjana Kumari with the allegations that on 10.02.2024 at about 4.00 PM, she was coming with her worker from Garhshankar to Saila Khurd on motorcycle and when they reached near gate of Village Paddi Soora Singh, three persons came on a motorcycle from back side and snatched the purse of complainant containing Rs.700/- alongwith her Aadhaar Card and fled away.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner

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has been falsely implicated in this case and there is a delay of 06 hours in lodging the FIR. It is further alleged that on the same date at around 6:30 PM, another FIR No.14 dated 10.02.2024 was registered at same police station with same set of allegations. The petitioner has already undergone an actual custody of 08 months and 13 days and there are two other cases registered against him, however he is on bail in both cases. He further submits that similarly situated co-accused has been granted concession of regular bail by this Court vide order dated 17.09.2024 in CRM-M-45198-2024.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Custody certificate filed by learned State counsel is taken on record. As per the custody certificate, the petitioner has undergone actual custody of 08 months and 13 days and there are two other cases registered against the petitioner, however, he is on bail in one of the case. He further on instructions submits that the charges were framed on 21.08.2024 and out of 08 prosecution witnesses, none has been examined till date. He, however, submits that there are serious allegations against the petitioner and considering the fact that there are two other cases registered against him, therefore, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. Admittedly, the investigation is complete and the charges were framed on 21.08.2024 and out of 08 prosecution witnesses, none has been examined till date. The petitioner has undergone actual custody of 08 months and 13 days and there are two other cases registered against the



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petitioner, however, he is on bail in one of the case and similarly situated co-accused has been granted concession of regular bail by this Court vide order dated 17.09.2024 in CRM-M-45198-2024. The conclusion of the trial will take considerable time and further incarceration will not serve any purpose.

7. As regards the submission of learned State counsel that petitioner is involved in other criminal cases, the Hon'ble Supreme Court in "**Maulana Mohd. Amir Rashadi v. State of U.P. and another**", 2012(2) SCC 382 has held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other case. The relevant portion of the said judgment is reproduced herein below :-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is



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suspected.

- (v) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

- 9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
- 10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

28.10.2024
Kavita

(KIRTI SINGH)
JUDGE

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