



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

245

CRM-M-53790-2024

Date of decision: 11.11.2024

Tarun

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Neha Shukla, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Fariad Singh Virk, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.0043 dated 01.03.2024 under Section 382 of the IPC (Sections 395, 324, 411, 412 and 120B of the IPC added and Section 382 of the IPC deleted lateron) registered at Police Station Tripuri, District Patiala.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 13.03.2024; he was neither named in the FIR in question nor any suspicion raised by the complainant with respect to his involvement in the alleged crime. It has been submitted that after the FIR was lodged, a supplementary statement was made two days later, wherein the complainant improved upon his earlier version, and submitted that there were about six unknown assailants who had

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attacked him and thereafter fled away with his bag containing currency notes, including foreign currency etc. Learned counsel submits that curiously even thereafter the complainant yet again improved upon his earlier version and attributed role to the petitioner by alleging that the petitioner, in fact, was a conspirator to the crime in question and had masterminded the entire occurrence. Learned counsel submits that the petitioner has no previous criminal antecedents, which leaves no manner of doubt about his innocence. It has also been submitted that after the petitioner was arrested not only has the challan been presented but even charges framed, coupled with the fact that one of the co-accused Shamshad, who is almost identically placed as the petitioner, has been extended the concession of bail by this Court vide order dated 15.10.2024 (Annexure P-2). Learned counsel has, therefore, urged that in the aforementioned circumstances keeping in view the role attributed to the petitioner of being a conspirator and that too merely on some vague apprehension of the complainant, his further incarceration would serve no useful purpose as only 01 prosecution witness out of the 23 cited, have been examined till date, the trial would, therefore, take considerable time to conclude.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, have vehemently opposed the prayer and submissions made by learned counsel for the petitioner. It has, however, not been disputed that the FIR in question, which stands reproduced hereinunder, was lodged against unknown assailants:-

*“One statement of Jasdeep Singh son of Davinder Singh
Resident of House No 730, Harinder Nagar, Sirhind Road,*



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Patiala aged 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 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 aged about 46 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 PB-11-DA-9089 colour white. When I turned from Sirhind Road Patiala to next Street to Demmat Property Dealer 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 escaped to Harindra Nagar side. Then I on the way on the motorcycle of an unknown sardar 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 Hospita lfor 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."

4. It has also not been disputed by the learned State counsel, on instructions from ASI Gurpreet Singh, that the complainant while making his supplementary statement after two days of the alleged



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occurrence, claimed that there were not two persons but as many as six persons who attacked the complainant.

5. On a pointed query put to the learned State counsel as to whether the petitioner was alleged to be present along with the co-accused who had attacked the complainant, he, on instructions, has replied in the negative and instead submitted that the petitioner had masterminded the entire occurrence in question as he was well aware that the complainant would often carry his earnings from his shop at the relevant time as the petitioner was earlier working for the complainant. Learned State counsel on further instructions has not disputed the stage of the trial. Learned State counsel has also not disputed that the petitioner has no previous criminal antecedents.

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

7. The petitioner has been in custody since 13.03.2024. As not disputed, he was neither named in the FIR in question nor was he alleged to have been present with the co-accused who attacked the complainant and after injuring him fled away with the bag containing money. The petitioner is alleged to be a conspirator to the occurrence in question. The petitioner has no previous criminal antecedents. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as there can be no apprehension of the petitioner tampering with evidence or intimidating the witnesses.

8. Accordingly, the instant petition is allowed. The petitioner

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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.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

11.11.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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