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

CRM-M-54765-2024

Date of Decision: 11.11.2024

Shaminder Singh

...Petitioner

VS.

State of Punjab

...Respondent

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

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of Cr.P.C. with a prayer to grant regular bail in case FIR No.27 dated 24.03.2024 registered under Sections 379-B, 34 of IPC (Sections 411, 120-B of IPC added lateron), at Police Station Gidderbaha, District Sri Muktsar Sahib.
2. The FIR in the present case was registered on the basis of the statement made by Gurpreet Singh son of Tek Singh and the same has been reproduced below:-

“Statement of Gurpreet Singh son of Tek Singh resident of village Bahadurgarh Jandia district Bathinda age 35 years phone number 98554-45063. Stated that I am a resident of the said address and doing agricultural work. I bought a car Brezza color white VDI new in year 2017, of which RC NO. is PB-03AS-7374 and its RC is in my name. Today I came to Giddarbaha in connection with the household work in my said car. It will be around 8:00 in the evening that I was going back to the village in my car, when I reached near Guru Gobind Singh College



Giddarbaha, while passing through the service road, I felt the urge to urinate, so I stopped my car on the side and was about to get down to urinate, then two hindu young men came to me at once and one of them grabbed my arm and pulled me out of the car and started beating me and the other person sat on the driver's seat of the car. As the car key was still in the car, he quickly started the car and threw me down and forcibly took my car away and took my mobile phone brand VIVO color grey black touch screen with my SIM number in my car. 98554-45063, 98140-00730 and the rest of my wallet containing car RC, Aadhaar card, voter card, PAN card, driving license and about Rs. 600/- besides two check books of my bank account. Which have gone in my car. Till now me and my friend Gurpreet Singh S/o Balwinder Singh resident of Sukhna Ablu have been searching for these unknown persons who stole my car on our own but we did not get any clue about these unknown persons so now my friend Gurpreet Singh along with me was going to give a report to the police station regarding the said incident, so you met us here near the camp of Baba Ganga Ramji. The value of my stolen car was seven lakh rupees. A statement has been recorded with you, heard it is correct. Action should be taken against the persons who steal the unknown car. Sd/- Gurpreet Singh.”

3. Learned counsel for the petitioner contends that in the present case, the FIR was got registered by the complainant after a delay of one day. During the process of investigation, the complainant made a supplementary statement naming Sanjay Kumar alias Sanjy and Raja Rani as the accused in the present case. During the course of investigation, the statements of co-accused were recorded in police custody and on the strength of the same, the petitioner was arrayed as an accused in the present case. The petitioner was arrested in the



present case on 25.04.2024 and the challan has already been presented against him. He also relied upon the orders (Annexures P-2 and P-3, respectively) passed by the trial Court, whereby, bail has been granted to co-accused, namely, Shahbaj Singh and Raj Rani and seeks parity on the same.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 07 more FIRs have been registered against the petitioner and sufficient evidence has been found against him.

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

6. The petitioner was arrested in the present case on 25.04.2024 and is continuing in custody for the last more than 06 months. Moreover, two co-accused, namely, Shahbaj Singh and Raj Rani have already been admitted to bail by the trial Court, vide orders (Annexures P-2 and P-3 respectively). Even though, seven more FIRs were ordered to be registered against the petitioner, but the same cannot be denied the concession of bail in the present case only on the ground that the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of ***“Prabhakar Tewari Vs. State of U.P., and another”*** 2020(1) R.C.R. (Criminal) 831 wherein, it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***“Maulana Mohd. Amir Rashadi Vs. State of U.P., and another”*** 2012(1) R.C.R. (Criminal) 586.

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.

11.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned :
Whether reportable

:
:

Yes/No
Yes/No