

[218] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[1] CRM-M-59256-2023
Date of Decision : 16.04.2024

Love @ Luv ...Petitioner

versus

State of PunjabRespondent

[2] CRM-M-62286-2023

Vicky ...Petitioner

versus

State of PunjabRespondent

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Lakshay Bector, Advocate for the petitioner(s).
Mr. Jaswinder Singh Arora, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

Present petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner(s) in case bearing FIR No.136 dated 23.07.2023 registered for the offences punishable under Sections 379-B and 411 read with Section 34 of the Indian Penal Code, 1860 at Police Station Salem Tabri, Police Commissionerate Ludhiana.

[2] As per the contents of the FIR, it was alleged as under:-

“Stated that I am a resident of the said address I do housework. Today I leave from my home on my Black color Activa number PB-10-HY-7008 reached at "Piru Banda cut" at 7:30 PM to buy goods from the market. Where two young boys aged about 25-26 years who stopped their Activa which is white in color near

my Aactiva, then one boy who was sitting behind immediately stepped down from the Aactiva and snatched the gold chain from my neck and the mobile phone of VIVO company in which the SIM number 78377-69999 was running. They took away their Aactiva from the spot and drove away at a high speed. I made a lot of noise and followed but could not reached by them, so I read their Aactiva number which is PB-08-PX-6452. I have come to give the information about the young boys who was on the Aactiva No. PB-08-PX-6452 against whom action should be taken. The weight of my gold chain is 8/10 grams and mobile phone bill, which I will submit later on. I will identify those young boys if they come in front of me. I am giving my statement in front of my husband Pardeep Kumar. The statement is written and read and heard which is correct. SD/- Ramanjit Kaur Mobile Number 78377-32006 Confirmed/- Pradeep Kumar, Verification/- Harmesh Lal ASI Police Station Salem Tabri Ludhiana Date 23-07- 2023 Action Police :- Today myself ASI alongwith HC Mahinder Singh No. 3571/LDH and Female Constable Raj Rani No. 3723/LDH, regarding checking of Suspicious men in private vehicles and the search of suspicious vehicles at Jalandhar Bypass Cut Ludhiana was present, then I, ASI, Ramanjit Kaur wife of Pradeep Kumar, resident of House No. 1249/2A, Street No. 8, Mohalla Ashok Nagar, Salam Tabri, Ludhiana came to me. Who recorded her statement. On which he wrote the statement and read it out, who after hearing his statement accepted it as true and signed his statement in English below which was confirmed by her husband Pradeep Kumar which was verified by I, ASI. The statement is found to be the predicate offence of 379-B, 34 IPC. The statement of case against Two Young Boys Aged about 25-26 Years who was on the said white color Aactiva No. PB-08-PX-6452 which is sent

in the hands of Female Sepoy Raj Rani No. 3723/LDH to the police station. By filing a case, the case number should be informed. I, ASI alongwith fellow employees and complainant departed from the spot. SD/- Harmesh Lal ASI Police Station Salem Tabri Ludhiana Dated 23-07-2023 Location: Jalandhar Bypass, Ludhiana AT: 11:15 PM Today Statement be received on the case of the said offence against two young boys who rides white color Activa number PB-08-PX-6452. The original statement and copy of FIR, is sent in the hands of female soldier Arinda to ASI for further investigation. Notified to the Control room. ”

[3] Both the petitioners are behind bar for more than 08 months and 23 days. As per the custody certificate, the petitioner-Vicky has clean antecedents. So far as accused Love @ Luv is concerned, he is facing two more FIRs.

[4] Learned counsel for the petitioner(s) submits that the petitioner(s) were not named in the FIR. Not only investigation stands concluded, trial has also proceeded and the material witness i.e. the complainant already stands examined and thus the custody of the petitioner(s) should not be allowed to be prolonged further.

[5] Learned State counsel does not dispute the aforesaid facts.

[6] I have heard learned counsel for the parties and have gone through the record of the case.

[7] Keeping in view the trial is not likely to conclude in the near future especially in view of the long incarceration of the petitioner(s) but

are allowed. Petitioners are ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate, concerned.

[8] Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

[9] Photocopy of this order be placed on the file of connected case.

(PANKAJ JAIN)
JUDGE

16.04.2024
'R. Sharma'

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