

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1. **2024:PHHC:054892**
CRM-M No.61481 of 2023
Date of decision: April 23rd, 2024

DeepuPetitioner
Versus
State of PunjabRespondent

2. CRM-M No.5123 of 2024
Monu KumarPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Liaqat Ali, Advocate
for the petitioner (in CRM-M-61481-2023).

Mr. Naveen Sharma, Advocate
for the petitioner (in CRM-M-5123-2024).

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of the above-mentioned petitions filed under Section 439 of the Cr.P.C. as they arise out of same FIR i.e. FIR No.153 dated 24.08.2023 registered under Section 399/402/411 of the IPC at Police Station Moti Nagar, Ludhiana.

2. Learned counsel for the petitioners, *inter alia*, contend that in a case of false implication, both the petitioners have been in custody since 24.08.2023. The investigation in the case at hand is complete as not only challan stands presented but even charges have been framed. Learned counsel submit that the possibility of the trial concluding in the near future looks improbable as none of the nine witnesses cited by the prosecution

have been examined till date. Learned counsel for the petitioners submit that a secret information was received qua the petitioners and co-accused that they were attempting to commit dacoity when the police raided GLADA ground; recovery of *datars* was shown to be affected from both the petitioners. Learned counsel for petitioner-Deepu submits that he has clean antecedents and is not involved in any other criminal case much less of identical nature. Hence, the allegations levelled in the FIR in question that the accused were habitual of committing such crimes stands falsified.

3. *Per contra*, learned State counsel while opposing the prayer made by the counsel opposite, has on instructions from ASI Jitender Kumar, not disputed the stage of the trial. It has also not been disputed that though as per the secret information received, the petitioners were said to be habitual of committing robberies and dacoity, however, no criminal case stands registered against petitioner-Deepu, though there is one case registered against petitioner-Monu Kumar under Section 379-B IPC. Learned counsel has on further instructions also not disputed that other than the recovery of two *datars*, no recovery of any other deadly weapon or looted articles was affected from either of them.

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

5. In the facts and circumstances as enumerated hereinabove, since the challan stands presented and none of the prosecution witnesses has been examined yet, the instant petition is allowed as trial would taken considerable time to conclude. The petitioners be admitted

to bail 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.

6. Needless to say, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

April 23rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No