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

Sr. No.224

**CRM-M-61857-2023(O&M)
Date of decision : 04.12.2024**

Vicky @ Vicky Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Nitin Narula, Advocate, for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.0086 dated 12.07.2022 under Sections 379-B, 324, 323 & 34 IPC (Section 201 IPC added later on), registered at Police Station Sadar Kotkapura, District Faridkot.

2. The translated version of the FIR is reproduced below:-

“Statement of Raju Singh son of Balvir Singh son of Karnail Singh resident of Jeewan Nagar Panjgrain Kalan aged about 35 years Mobile No.62833-22814, 78890-77531, stated that I am the resident of the said address and have went to abroad Kuwait for work and had returned to meet my family at Panjgrain Kalan. On dated 10.07.2022 at about 1.30/2.00 in the afternoon, I was present at my house, then Vicky son of Krishan Singh resident of Jeewan Nagar, Panjgrain Kalan called me and requested to drop him at bus stop of Village Panjgrain on a vehicle. I on my motorcycle bearing No. PB-04Y- 1501 maker hero deluxe color red accompanied to drop him. When we reached Panjgrain Khurd link road Panjgrain,

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then Vicky got the motorcycle halted on the pretext of urination, then two more persons came out from the nearby vacant yard, whom I can recognize when they came forward. Thereafter these two unknown persons while conniving with Vicky started beating me. One of the unknown person hit me with the knife on the left side of my chin and the other unknown person hit me with the iron patti on my left shoulder, right shoulder, waist and chest and Vicky picked up the wooden stick and hit me on my right eye, near left ear, left hand, neck and right wrist, I fell down, a gold locket weighing 06 grams on which Gill was written in English which was put into a black thread around my neck, a gold ring weighing about 05 grams from the left hand ring finger and my mobile maker Samsung M30 color blue and from my wallet Rs/-700 Indian currency and 37 Dinars of Kuwait were snatched. I brought he said gold items, mobile and 37 Dinars from Kuwait, all these things were snatched from me by Vicky and his companions and after throwing the empty wallet, they ran away from the spot on my motorcycle. The persons working in the nearby fields came and helped me, whose name I don't know. After that I came back home and narrated the whole incident to my family and since Vicky is our neighbor, I went to his house and told her mother Kulwinder Kaur the whole incident, she did not listen to us. Then the next day on dated 11.07.2022 due to pain, my brother-in-law Manpreet Singh got me admitted in Civil Hospital Kotkapura for treatment. Till now the respectable persons were trying to affect a compromise between us, which could not reach at any end. The grudge behind this is that I have came back from Kuwait a few days ago, and I was having gold ornaments, mobile and cash and the said Vicky came to know about this, and he took me out of the house as part of a conspiracy and have beaten me and snatched. Legal action be taken against them. Statements have been recorded, heard which are correct.

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*Sd/- Raju Singh attested by Sd/- Sukhdev Singh 508/FDK I/C
PP Panjgrain Kalan Police Station Sadar Kotkapura, Dated
12.07.2022.”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. He has not been named in the FIR and has been nominated as an accused on the basis of disclosure statement of the co-accused Vicky. He further submits that the petitioner has undergone an actual custody of 04 months and 22 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 04 months and 22 days and there are 04 other criminal cases registered against him but the petitioner is on bail in those cases. He on instructions from ASI-Harinder Singh submits that charges were framed on 31.01.2024 and out of a total of 11 prosecution witnesses, only 01 witness has been examined till date. He however, submits that in view of the serious allegations against the petitioner, 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 leveled against the petitioner shall be established during the course of the trial. Admittedly, charges are framed and investigation in this case is complete. Out of total 11 prosecution

witnesses, only 01 witness has been examined till date and the conclusion of

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the trial will take a considerable time. The petitioner has undergone an actual custody of 04 months and 22 days. Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and order dated 22.02.2024 passed by a Coordinate Bench of this Court is made absolute.

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 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.

8. 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.

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9. 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.

 Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

04.12.2024

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No