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

CRM-M-58085-2024**Date of Decision: 20.12.2024**

Gurwinder Singh alias Mangi

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. S.P.Soi, Advocate
for the petitioner.

Mr. Rubal Pawar, Assistant Advocate General, Punjab

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.109 dated 25.06.2024 registered under Sections 379-B(2) of IPC, (Sections 411, 326, 34 of IPC added later on), at Police Station Dharmkot, District Moga.
2. The FIR in the present case was registered on the basis of the statement made by Gurnam Kaur daughter of Amar Singh and the same has been reproduced below:-

“ Statement of Gurnam Kaur daughter of Amar Singh son of Sher Singh resident of Kishanpura Kalan aged about 63 years M. No. 98889-85586 Tehsil Dharamkot district Moga stated that I am resident of aforesaid address and I am unmarried. I reside at my father's house. I am a retired government teacher. I do household work. My niece Navdeep Kaur d/o Avtar Singh r/o Kishanpura Kalan who is married with Satbir Singh s/o Gurcharan Singh r/o Village Dharor District Ludhiana who has



come to meet us at Kishanpura Kalan. On 24-6-2024, I alongwith Navdeep Kaur were going on feet to Gurudwara Sahib Nanaksar Thath (Gurudwara Langar Sahib) Kishanpura Kalan when we reached near the house of Gora Kabadia then the time was about 5:30 PM that one motorcycle Hero Honda CD Deluxe colour black came from behind which was not having any registration number stopped near us. On the motorcycle there were three clean shaved persons. The person sitting on last seat alighted and asked me that which is the house of Mukhtiar Singh. I told him that I don't know and I withdrew myself two steps back. Then that boy snatched my gold chain which I was wearing in my neck and pushed me and I fell on the ground. Then my niece Navdeep Kaur resisted them and raised alarm then the person who was sitting in center alighted from motorcycle who was armed with a kaapa who inflicted kaapa blow on my niece who in order to save herself raised her arms and the kaapa hit on her left arm. Then my niece raised alarm and the cars going from there started stopping and one snatcher was standing with motorcycle ignition on. Upon seeing that alarm has been raised they after snatching my chunni and chain alongwith locket and kaapa all three unknown persons after boarding motorcycle ran towards Sidhwan Bet. Then I talked at home by borrowing phone from a person standing on the spot and my brother Avtar Singh came on the spot. Firstly we took Navdeep Kaur to Malak Hospital Kishanpura Kalan and doctor gave her first aid. Thereafter we got her admitted to Medicity Hospital Moga for better treatment where she is under treatment. Now we are investigating then we have come to know that the persons who have snatched my chain and who have inflicted injuries on my niece are Jagpreet Singh son of Bohar Singh r/o Sarangwal, Saajan Singh s/o Gurdeep, Gurwinder Singh s/o Sarabjit Singh r/o Mulewal Khehra. Kindly take legal action against them and my gold chain may be got recovered. Today I alongwith my brother



Avtar singh were going to Police Post to inform that you have met us at Bus Stand Kishanpura Kalan. Statement ha been got recorded, read over and all correct. I am applicant. Action may be taken. Sd/- Gurnam Kaur. ”

3. Learned counsel for the petitioner contends that the allegations levelled by the complainant are highly unbelievable and the petitioner has been falsely involved. The offence was allegedly committed by certain unknown persons, still the complainant had named the petitioner as one of the accused in the FIR. Learned counsel further submits that the injured in the present case had suffered a grievous injury, however, the injured has been discharged long ago. The petitioner was arrested in the present case on 26.06.2024 and the final report under Section 173 Cr.P.C. has already been presented against him. Since no prosecution witness has been examined so far, there are no chances of early conclusion of the trial.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

6. The petitioner is in custody for the last about 06 months and the final report under Section 173 Cr.P.C. has already been presented against him. Still further, the prosecution has not examined even a single witness and further custody of the petitioner will not serve any meaningful purpose. Even



otherwise, the petitioner is not in a position to influence the witnesses of the prosecution.

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.

20.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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