



CRM-M-59708-2024

-1-

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

236

CRM-M-59708-2024

Date of decision: 4th December, 2024

Dharampal Singh @ Dharma @ Gabi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sumeet Puri, Advocate for the petitioner.
(through VC)

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case arising out of FIR No. 83 dated 21.07.2024 registered under Sections 126(2), 304(2) (Section 61(2) added later on) of Bharatiya Nyaya Sanhita (For short 'BNS') at Police Station Amargarh, District Malerkotla, Punjab.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the abovesaid FIR was registered on the basis of statement got recorded by the complainant Jaspreet Singh alleging therein that he was a relationship officer in Muthoot Micro Fin Branch, Patiala and used to visit various villages and cities for collecting installments of loan



from the borrowers of his finance company. On 19.07.2024 also, he had gone to collect installment of loan on his motorcycle bearing registration No. PB-19T-7884 make HF-Deluxe to Village Kakra. After collecting cash amount to the tune of Rs. 16,323/- from the collection agent Rekha, he had gone to village Ghanoodki, village Bhatia Khurd and then to village Bagrian from where he had also collected money. After collecting total amount of Rs. 90,678/-, while he was on his way back, he received a phone call from petitioner- Dharampal Singh who had also availed loan from his finance company and he told him to come to village Guara to take installment of loan from him. On his asking, the complainant went towards village Guara and when he reached on the road leading to the above said village at about 08:20 PM, the petitioner Singh told him to reach village Bagrian as he had reached there. The complainant proceeded towards village Bagrian but on the way, he was intercepted by three persons who came from behind while riding on a black splendor motorcycle. Their faces were covered. One of them was carrying iron rod. By stopping him, they encircled him, pounced upon him and snatched his backpack containing cash amount Rs. 90,678/-, mobile phone, mobile charger, his ATM Card, Aadhar Card and I-card and then fled from the spot.

3. As per the further allegations, after registration of FIR, investigation proceedings were initiated. During investigation, the petitioner Dharampal and co-accused Laadpreet Singh and Mohammad Aslam were arrested. An amount of Rs. 7,000/- and mobile phone belonging to the complainant were recovered from them. They suffered disclosure statements



admitting their involvement in the crime and also about the complicity of the present petitioner had hatched a conspiracy with the co-accused and in pursuance thereof, the petitioner and the co-accused had snatched money and mobile phone of the complainant on the fateful day. Apprehending his arrest, present petitioner had moved an application for grant of bail before the Additional Sessions Judge, Malerkotla which was dismissed vide order dated 18.10.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 30.07.2024. Investigation has since been completed. Trial is likely to take time. He is on bail in two other cases that have been registered against him. No useful purpose would be served by keeping him in custody. Therefore, it is urged that he deserves to be extended benefit of bail.

5. *Per contra*, learned AAG, Punjab who has advance notice of the petition has argued that there are serious allegations against the petitioner as he had hatched a conspiracy with the co-accused and in pursuance of the said conspiracy, the co-accused had snatched cash amount of Rs. 90,678/- at the behest of the petitioner. It is argued that keeping in view the grave nature of the allegations as levelled against him and further fact that he has criminal antecedents. Therefore, it is argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.



7. The petitioner is in custody since 30.07.2024. He is on bail in other cases which have been registered against him. His further detention would not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the nature of subject offence and the attending facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th December, 2024
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |