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

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CRM-M-58913-2024 (O&M)

Date of decision: 03.12.2024

Gagandeep Singh @ Gaggi**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ranwant Singh Sangha, Advocate
for the petitioner.

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

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 174 dated 27.09.2024, registered under Section 380 of IPC (Sections 382 and 458 of IPC added later on) at Police Station City-1, Sangrur, District Sangrur.

2. As per the allegations, four unknown persons entered into the shop of the complainant on 21.02.2023 and by putting sharp edged weapon on the neck of the complainant and by extending threats to kill him, they removed cash amount of Rs. 40,000/- kept in cash counter and also inflicted injury on the hand of the complainant and then fled away. A complaint was moved by the complainant. The complainant again approached the police as he came to know about the involvement of the present petitioner and co-accused in commission of offence of theft in his shop. The aforementioned FIR was accordingly registered. The petitioner had been arrested during

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investigation on 28.09.2024. Investigation has since been completed and challan has been presented in the Court.

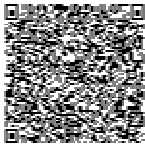
3. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. The FIR qua the occurrence, which had taken place on 21.02.2023, had been registered only on 27.09.2024. No DDR or complaint or FIR had been registered before that. The delay of about 01 year and 07 months in lodging of FIR has not been explained at all. There is no evidence to show that the complainant had sustained any injury in the incident. A false story has been concocted. His custodial interrogation is no more required. No recovery is to be effected from him. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner. He is a habitual offender as one more case of similar nature is registered against him. There are chances of his absconding or committing similar offences, if released on bail. It is, thus, urged that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner along with co-accused is alleged to have taken away cash amount of Rs. 40,000/- from the shop of the complainant, while causing injuries to him on 14.02.2023. The petitioner is in custody since 28.09.2024. Challan has been presented. Trial is likely to take time. There is

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unexplained delay of about 01 year and 07 months in reporting the matter to the police. It is well settled law that the bail is rule and jail is an exception. Therefore, keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

03.12.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>