

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

CRM-M-64371-2023

Date of Decision:-08.01.2024

Raj Kumar @ Vicky.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. A.P.S. Rana, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0059 dated 18.06.2023 under Sections 379-B IPC (Section 201 IPC added later on vide DDR No.201 dated 18.10.2023) registered at Police Station Sudhar, District Ludhiana Rural.

2. The present FIR came to be recorded on the statement of Mohit Kumar who stated that on 14.06.2023 at around 11.30 am he was coming from village Mohi to village Hisowal to sell clothes on his rehri. When he reached near the water tank of village Hisowal three unknown persons came on their motor cycle and stopped him and asked him to handover whatever was in his possession. One of the three persons pulled out a sharp edged weapon from his pocket and placed it on his neck. His mobile phone and Rs.1100/- were taken away. The three persons escaped from the spot. He had come to know that the three persons were Kuljit Singh @ Kuljeeta

(since granted bail vide order dated 16.11.2023 in CRM-M-56667-2023), Sikandar Singh @ Kindi and Raj Kumar @ Vicky (petitioner).

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The allegations in the FIR that the complainant had come to know the identity of the petitioner and his co-accused is unbelievable. In fact there is an inordinate delay of 04 days in reporting the incident to the police. As the petitioner was in custody since 06.10.2023, none of the 08 prosecution witnesses had been examined so far and in the one other case bearing FIR No.94 dated 17.06.2023 under Section 22/25/29/61/85 NDPS Act P.S. Dakha, Ludhiana registered against the petitioner he had been granted the concession of regular bail, he was entitled to the similar concession in the present case as well.

4. The Counsel for the State on the other hand contends that serious allegations have been levelled against the petitioner and his co-accused. All the three accused snatched a mobile phone of the complainant along with the currency notes by putting a knife on his neck. The nature of the allegations levelled against the petitioner did not entitle him to the concession of bail. He however concedes that the petitioner is in custody since 06.10.2023, none of the 08 prosecution witnesses had been examined so far and that in the one other case registered against him, he had been granted the concession of bail and that a co-accused had been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 06.10.2023, none of the 08 prosecution witnesses have been examined so far and in one other FIR

registered against him, he had been granted the concession of bail. Therefore, his further incarceration is not required, moreso when his co-accused had been granted the concession of bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Raj Kumar @ Vicky** son of Sh. Avtar Lal is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.
9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)

JUDGE

January 08, 2024

Vinay

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