



CRM-M-64866-2023

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

Decided on : 20.08.2024

CRM-M-64866-2023

Harpreet Singh @ Love

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M-7975-2024

Monu @ Roop Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Munish Puri, Advocate
for the petitioner in CRM-M-64866-2023.

Mr. Gaurav Partap Singh Pathania, Advocate
for the petitioner in CRM-M-7975-2024.

Mr. Navdeep Singh, DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This order shall dispose of above-said two petitions as both of them have arisen out of same FIR. Brief facts of the case are taken from CRM-M-64866-2023.

2. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.59 dated 15.10.2023 under Sections 379-B, 341, 34 IPC registered at Police Station Narot



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Jaimal Singh District Pathankot.

2. Learned counsel for the petitioner(s) contends that the petitioners have been falsely implicated in the present case; petitioner Monu @ Roop Singh has been in custody since 15.10.2023 while petitioner Harpreet Singh @ Love is in custody since 16.10.2023.

Submissions made by learned counsel for the petitioner in CRM-M-64866-2023

3. While drawing the attention of this Court to the FIR in question, which has been annexed as Annexure P-1, learned counsel for the petitioner – Harpreet Singh @ Love has submitted that neither was he named in the FIR in question nor any suspicion raised qua his involvement in the crime in question. It has also been submitted that the petitioner was nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Monu @ Roop Singh. Learned counsel has further submitted that vide order dated 24.01.2024, petitioner was granted interim bail by this Court and it is a matter of record that he has not misused the said concession of bail.

Submissions made by learned counsel for the petitioner in CRM-M-7975-2024

4. Learned counsel for the petitioner Monu @ Roop Singh has submitted that although the petitioner had been named in the FIR in question, however, totally fabricated allegations have been



levelled that the petitioner had snatched the mobile handset along with Rs.3200/- from the complainant. Learned counsel has further submitted that it is even a matter of record that after the petitioner was arrested, no recovery of the stolen mobile handset was effected from him.

5. It has also been submitted by both the learned counsel that the petitioners have clean antecedents and are not involved in any other criminal case, which further lends credence to their false implication in the present case. Learned counsel therefore, pray that the petitioners be enlarged on bail as not only the investigation in the present case is complete, charges framed but two prosecution witnesses out of the 9 cited have been examined.

6. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner(s) has not disputed the stage of trial. It has also not been disputed that the mobile handset allegedly snatched from the complainant had not been recovered from either of the petitioners. Learned State counsel, on instructions from ASI Manish Kumar, has not disputed that the petitioner Harpreet Singh @ Love was not named in the FIR in question and came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Monu @ Roop Singh.

7. On a pointed query put to the learned State counsel, he has also not disputed that the petitioners have no criminal antecedents, other than their involvement in the present case.



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8. I have heard learned counsel for the parties and perused the material placed on record.

9. Before proceeding further, it would be apposite to reproduce the contents of FIR in question, which are herein as under:

“Statement of Manu Paswan son of Nanam Paswan resident of Amolia Sinali, District Betia, State Bihar now resident of Jarai, District Kathua J&K aged near about 22 years mobile no. 7783059865, Stated that I am the resident of aforementioned address and does the work of selling ice- cream on ice cream rikshaw. At about 4 PM when I was going towards Jarai, District Kathua J&K at my residence after selling the ice-cream on my rikshaw via Manjiri, Datyal, Kohlian. When I reached a little ahead of village Bahadurpur, then Monu resident of Manjiri Jattan along with one unidentified person came there on splendor motorcycle whose number I don't know. Aforementioned suddenly stopped their motorcycle in front of my rikshaw and stopped me and started giving beatings to me and while giving beating to me pulled me towards side of Thusi (Bank of River). Where Monu resident of Manjiri Jattan snatched my mobile mark 1-Tel and caught my arms from behind and unknown person sitting on the pillion seat snatched around Rs. 3200/ my whole day income, from the right pocket of my pant. I raised alarm 'maar-ditta, maar-ditta' but due to isolate place near bank of river of Bahadurpur nobody came for my help and both the aforementioned ran away from the spot while driving their motorcycle. I was coming to you for giving my statement, you met me. Action be taken. I am the complainant. Statement heard and admitted correct. Left thumb impression of Manu Paswan aforementioned complainant. Attested Munish Kumar ASI, P.S. Narot Jaimal Singh dated 15/10/2023.”

10. The petitioners Monu @ Roop Singh and Harpreet Singh @ Love have been in custody since 15/16.10.2023 respectively. The trial would take considerable time to conclude as 7 prosecution witnesses still remain to be examined.



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11. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioners are not involved in any other criminal case, this Court deems it fit to extend the concession of regular bail to the petitioner Monu @ Roop Singh. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

12. Since petitioner Harpreet Singh @ Love was granted interim bail by this Court vide order dated 24.01.2024, the present petition stands allowed and the interim order dated 24.01.2024 is made absolute.

13. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

14. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

20.08.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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