



CRM-M-63508 of 2024 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

285

CRM-M-63508 of 2024 (O&M)
Date of Decision:.18.12.2024

Kulbeer Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Proxy counsel for
Mr. Sukhbir Maandi, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.252, dated 16.10.2023, under Sections 379-B/411/414/482/34 of the IPC, registered at Police Station Model Town, Hoshiarpur.

2. The allegation, as levelled against the present petitioner, is that he alongwith four other persons, snatched a car make Bolero bearing no.HP-74-A-6013, belonging to the complainant-Atul Chaudhary, by throwing the complainant out of the said car. They also took alongwith them the documents of the car, his driving licence, and mobile phone and an amount of Rs.5,000/-.

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3. Learned counsel for the petitioner, in asking for the relief of regular bail, submits that the present petitioner is behind bars since 22.02.2024, however, the final report has been submitted by the prosecution, and the charges have already been framed by the learned trial court concerned, however, no prosecution witness has been examined so far.

4. She further submits that the present petitioner has been involved in the instant case on the basis of a disclosure statement. She also submits that though the petitioner is alleged to have been involved in four other criminal cases, but all the aforesaid cases were registered after arrest made in the instant FIR. She submits that the petitioner has suffered incarceration about 10 months as on today, and the trial is yet to be commenced. She further placed reliance upon the order dated 11.09.2024 passed by this Court in CRM-M-20097-2024 to submit that the petitioner, is on co-equal pedestal with his co-accused Harmanpreet Singh, who has been granted the relief of regular bail vide order (*supra*). She next submits that this is the second petition seeking regular bail, as the first petition for regular bail was ordered to be dismissed as withdrawn on dated 10.01.2024, and the instant second petition for regular bail has been filed on the ground that there is no progress in the trial so far after dismissal of the first petition by this Court.

5. Finally, it is argued by learned counsel for the petitioner that though the recovery of some parts of car is shown to be effected from the present petitioner. However, the said articles have any connection with the snatched car or not would be a moot question of law, which has to be decided

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by the learned trial court concerned, after adduction of evidence by the prosecution.

6. *Per contra*, learned counsel for the State opposed the asked for relief (*supra*), to the present petitioner, and has placed on record a custody certificate *qua* the petitioner, which is taken on record. It reveals that the petitioner has suffered incarceration of 9 months and 26 days as on today. She also informed this Court after having instructions from the quarter concerned that the final report in the instant case was filed wayback on 20.01.2024 and the charges have already been framed, whereas no prosecution witness has been examined as yet.

8. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file and of the view that the present petition is amenable to be allowed for the reason that the petitioner has suffered incarceration about 10 months as on today and the trial is yet to be commenced and further co-accused Harmanpreet Singh has already been granted regular bail vide order *supra*. Therefore, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover,



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anything observed here-in-above shall have no effect on the merits of the trial
and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

December 18, 2024
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No