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

CRM-M-12216-2025

Date of Decision: 10.03.2025

Sajan Singh alias Sajan Gill

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. S.P.Soi, Advocate, for the petitioner.
Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.109 dated 25.06.2024 registered under Sections 379-B(2) of IPC, (Sections 411, 326, 34 of IPC added later on), at Police Station Dharmkot, District Moga.
2. The FIR in the present case was registered on the basis of the statement made by Gurnam Kaur daughter of Amar Singh and the same has been reproduced below:-

“Statement of Gurnam Kaur daughter of Amar Singh son of Sher Singh resident of Kishanpura Kalan aged about 63 years M. No. 98889-85586 Tehsil Dharamkot district Moga stated that I am resident of aforesaid address and I am unmarried. I reside at my father's house. I am a retired government teacher. I do household work. My niece Navdeep Kaur d/o Avtar Singh r/o Kishanpura Kalan who is married with Satbir Singh s/o Gurcharan Singh r/o Village Dharor District Ludhiana who has come to meet us at Kishanpura Kalan. On 24-6-2024, I alongwith Navdeep Kaur were going on feet to Gurudwara Sahib Nanaksar Thath (Gurudwara Langar Sahib) Kishanpura Kalan when we



reached near the house of Gora Kabadia then the time was about 5:30 PM that one motorcycle Hero Honda CD Deluxe colour black came from behind which was not having any registration number stopped near us. On the motorcycle there were three clean shaved persons. The person sitting on last seat alighted and asked me that which is the house of Mukhtiar Singh. I told him that I don't know and I withdrew myself two steps back. Then that boy snatched my gold chain which I was wearing in my neck and pushed me and I fell on the ground. Then my niece Navdeep Kaur resisted them and raised alarm then the person who was sitting in center alighted from motorcycle who was armed with a kaapa who inflicted kaapa blow on my niece who in order to save herself raised her arms and the kaapa hit on her left arm. Then my niece raised alarm and the cars going from there started stopping and one snatcher was standing with motorcycle ignition on. Upon seeing that alarm has been raised they after snatching my chunni and chain alongwith locket and kaapa all three unknown persons after boarding motorcycle ran towards Sidhwan Bet. Then I talked at home by borrowing phone from a person standing on the spot and my brother Avtar Singh came on the spot. Firstly we took Navdeep Kaur to Malak Hospital Kishanpura Kalan and doctor gave her first aid. Thereafter we got her admitted to Medicity Hospital Moga for better treatment where she is under treatment. Now we are investigating then we have come to know that the persons who have snatched my chain and who have inflicted injuries on my niece are Jagpreet Singh son of Bohar Singh r/o Sarangwal, Saajan Singh s/o Gurdeep, Gurwinder Singh s/o Sarabjit Singh r/o Mulewal Khehra. Kindly take legal action against them and my gold chain may be got recovered. Today I alongwith my brother Avtar singh were going to Police Post to inform that you have met us at Bus Stand Kishanpura Kalan. Statement ha been got recorded, read over and all correct. I am applicant. Action may be taken. Sd/- Gurnam Kaur. ”



3. Learned counsel for the petitioner contends that the allegations levelled by the complainant are highly unbelievable and the petitioner has been falsely involved. The offence was allegedly committed by certain unknown persons, still the complainant had named the petitioner as one of the accused in the FIR. Learned counsel further submits that the injured in the present case had suffered a grievous injury, however, the injured has been discharged long ago. The petitioner was arrested in the present case on 26.06.2024 and the final report under Section 173 Cr.P.C. has already been presented against him. Since no prosecution witness has been examined so far, there are no chances of early conclusion of the trial.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and is facing prosecution in two more cases.

5. I have heard the learned counsel for the parties and perused the record.

6. It is not in dispute that similarly placed co-accused, namely Gurwinder Singh alias Mangi has already been granted the concession of bail by this Court, vide order dated 20.12.2024 passed in CRM-M-58085-2024. The petitioner is in custody for the last about 09 months and the final report under Section 173 Cr.P.C. has already been presented against him. Still further, the prosecution has not examined even a single witness and further custody of the petitioner will not serve any meaningful purpose. Even otherwise, the petitioner is not in a position to influence the witnesses of the prosecution.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

10.03.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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