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(271)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26619-2024

Date of Decision: 25.02.2025

GAURAV SINGH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kushager Goyal, Advocate
for the petitioner.

Mr. Vipul Sherwal, Asstt.A.G, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.02 dated 03.01.2024 registered under Sections 392, 397 IPC, 1860 (Section 201 IPC added later on) and 25 of Arms Act at Police Station Ding, District Sirsa.

2. The present FIR came to be registered at the instance of Sukhjith Singh son of Shri Satyug and the same reads as under:-

“Respected Sir, It is submitted that I am Sukhjith Singh, son of Shri Satyug Singh, resident of village Bhuchomandi, Chakram Singh Wala, Tehsil Nathana, District Bathinda, play tabla during the Kirtan of Gurdwaras. On date 2nd of January 2024 around 9.00 /9.30 pm, I am waiting for the bus going to Fatehabad outside Sirsa bus stand. At that time, a boy Aljit Kumar came near to me and told that he also had to go to Dhariapur, District Fatehabad. Both of us



started waiting for the bus or any other private transport outside Sirsa bus stand. Meanwhile, a vehicle in which three young boys sitting came from Sirsa city side reached in front of Sirsa bus stand, and gave a signal to stop the car and When I and Aljit Kumar asked to the boys sitting in the vehicle for going to Fatehabad, they said that we are going to Hisar and will drop you at Dhariapur or Fatehabad on the way. When I and Aljit Kumar sit in the middle of the car on the back seat and Aljit Kumar sit in the back seat of the window side of conductor, then I saw that the driver was wearing pant shirt and black coat with a cap on his head, and the boy sitting on the driver's side seat of the car was covered with a blanket and his face was covered with a cloth, and the third boy who was sitting on the back seat behind the driver was also covered with a blanket and his face also was covered with a cloth. When we reached near Tollplaza Bhaudeen, the driver of the vehicle named unknown slowed down the vehicle and the young boy sitting on the conductor seat took out a pistol and put it on the chest of HGH Aljit Kumar, and the young boy sitting on the back seat behind the driver took a knife in his hand, put a knife on my stomach and said that give me your mobile phone and then he said whatever stuff you have give all that to us and said tell us the locks of these mobiles and started checking our bags, after checking our bags they took the bag of HGH Aljit Kumar along with id card and 400-450 rupees and checked my bag but they did not find anything so they returned my bag and then checked my pocket and found 500 in my pocket. They snatched my mobile phone brand vivo y21 of sky blue colour with sim number 79888-12186 and HGH Aljit Kumar's mobile Samsung J-6 of black colour

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with SIM No 95182-48797 from us and dropped out us on NH-9 near Toll Plaza, and turned their black car and ran towards Sirsa. All these unidentified young boys snatched money and mobile phones from us by showing fear. Strict action should be taken against them and our money and mobile phones should be recovered from them that will be so kind of you.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No offence as alleged was made out. As the petitioner was in custody since 09.01.2024 and a co-accused namely Ritesh Dhamija had been granted bail, he was entitled to the concession of bail as well as none of the 09 prosecution witnesses had been examined so far thereby delaying the conclusion of the Trial.

4. On the other hand, the learned State counsel contends that the offence was clearly made out against the petitioner. Therefore, the nature of the allegations levelled against him did not entitle him to the concession of bail more so as he was a habitual offender being convicted in 02 other cases of similar nature. He, however, concedes that the co-accused had been granted bail and that he is in custody since 09.01.2024 and that none of the 09 of the prosecution witnesses had been examined so far.

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 09.01.2024 and none of the 09 prosecution witnesses have been examined so far. Therefore, the Trial of the

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present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gaurav Singh S/o Sohan 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 (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

25.02.2025

JITESH

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