

CRM-M-28723-2025

**236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-28723-2025 (O&M)
DECIDED ON: 29.05.2025****SUKHDEEP SINGH @ DEEPU LOFAR****.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)**1. Relief sought**

The jurisdiction of this Court has been invoked for the second time under Section 483 of BNSS for grant of regular bail to the petitioner in FIR No.316, dated 05.10.2023 (wrongly mentioned as 15.10.2023 in the impugned order), under Sections 379-B(2), 34 IPC and Sections 25, 27 of Arms Act, 1959 (Section 120-B IPC added subsequently), registered at Police Station Division B, District Police Commissionerate, Amritsar.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Sushil Vig Son of Late Devraj Vig Resident of House No. 32, Street No. 01, 88 Feet Road, Aman Avenue, Majitha Road, Amritsar Aged About 70 Years Mobile Number 98776-97991 stated that I am a resident of the said address and working at Seth Gas Service Indian Oil Gudas Kapoor Nagar, near Sultanwind Canal, Amritsar and every day, I deposit the amount of daily sale of gas cylinders in the evening at my office at Old Lakkad Mandi, inside Sultanwind Gate, Amritsar. Today on 05.10.2023 at about 3.15 PM, I was going to deposit the total sale amount of entire day of Rs.3,56,000/- by kept in the trunk of my cherry coloured TVS Jupiter scooter bearing no. PB-02-DN-1190 from Godown of Kapoor Nagar to the office at Sultanwind Gate Amritsar via Sultanwind Road. When I reached near Big Baniya Store in front of Jain Mandir,



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then three clean shaved youngsters on one motorcycle came from backside and put their motorcycle in front of me and stopped me. Among them one boy took out pistol from his waist and pointed at me and asked me to give my scooter and due to fear I dropped scooter then among them one boy got on my Jupiter scooter and 2nd boy got on motorcycle and they went towards Sultanwind Canal. That in the trunk of my TVS scooter there was sale amount of entire day amounting to Rupees 3 lakh 56 thousand of Seth Gas Service and original RC of my scooter and my driving license. Then I called my son Anil Kumar and along with him I came to you in Police Station for informing you and you met on the way. I am complainant. Kindly take legal action against those 3 unidentified youngsters who snatched my TVS Jupiter scooter bearing no. PB02-DN1190 and 3 Lakh 56 thousand rupees. Statement recorded, heard it is correct. SD/- Sushil Vig verified by Amarjit Singh ASI Police Station Division B Amritsar 05-10-2023. Police Action: today 1 ASI along with ASI Mehar Singh 531 ASI Kishan Singh 711 and HC Navjeet Singh 1/744 were patrolling on the Private vehicle in the search of the bad persons of the society and were present at Ganda Nala Modh Sultanwind Road Amritsar then Victim Sushil Vig along with his son Anil Kumar came present to me. He got his statement recorded by 1 ASI, whose statement was recorded, read and recited and explained to him. On finding his statement to be correct, he signed in English below his statement which was verified by me. From the perusal of the statement the offences under sections 379-B (2), 34 IPC, 25/27/54/59 A ACT are found. For the registration of FIR the original complaint is being sent manually through the hands of HC Navjeet Singh 1/744 to the Police Station. After the registration of FIR, FIR no. should be issued. Special reports should be prepared and send it to the Area Magistrate and to the Higher Officials, Control room should be intimated. Station House Officer is informed. I ASI along with complainant left for the spot. Today at Modh Ganda Nala Sultanwind Road Amritsar at 6:30 PM. SD/ Amarjit Singh ASI Police Station Division B Amritsar. Today at Police Station: at this time on receiving the complaint in Police station, the FIR is registered under the sections of the said offences. The original complaint along with the correct copy or FIR is being sent manually through the hands of the employee to the concerned ASI. Special reports are issued and being sent manually through the hands of the SR/CT Sheragmadoor Singh 1825 to the Area Magistrate and to the Higher Officials. Station House Officer and Control room are intimated. Complete report no. 32 time 7:56 PM."

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the petitioner along with other co-accused committed snatching of TVS Jupiter and Rs.3,56,000/- from the complainant on



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05.10.2023 at gun point. He further contends that the petitioner was not named in the FIR but was subsequently nominated as an accused along with other co-accused Maninder Singh @ Goldy and Sukhdeep Singh @ Deepu on the basis of alleged secret information. It has been contended that the petitioner is a man of clean antecedents as he is not involved in any other case.

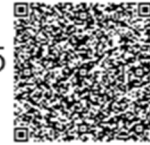
On behalf of the State

On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He seeks dismissal of the instant petition on the ground that the petitioner along with other co-accused committed snatching of TVS Jupiter and Rs.3,56,000/- from the complainant on 05.10.2023 at gun point. He further submits that the petitioner is a habitual offender and involved in four other criminal cases.

4. Analysis

Be that as it may, considering the fact that the petitioner was named in the FIR on the basis of disclosure statement of the co-accused; and recovery stands effected and petitioner has suffered incarceration of 01 year, 02 months and 21 days added with the fact that investigating is complete. The conclusion of trial will take a long time for which the petitioner cannot be detained behind the bars for an indefinite period.

In the light of the essence of the judgment of this Court in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023 which stipulates that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases and also keeping in view the fact that the applicant/petitioner cannot



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be detained for an indefinite period which would be against the basic principle of criminal jurisprudence that the “**bail is a rule and jail is exception**” and the rights enshrined under Article 14 of the Constitution which guarantees speedy trial to accused and also the fact that the appeal is not likely to come up for final hearing in near future, which would tantamount to infringement of right to life and liberty, it would be appropriate to release the applicant/petitioner.

5. **DECISION:**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. In the afore-said terms, the present petition is hereby allowed. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.05.2025
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(SANDEEP MOUDGIL)
JUDGE

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