



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

CRM-M-34589-2024 (O&M)

Date of Decision:24.02.2025

Rajinder Kumar

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : None for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

CRM-7877-2025

1. Application is allowed as prayed for, subject to just all exceptions.

2. Annexures P-3 and P-4 are taken on record.

Main case

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 101, dated 11.05.2024, registered under Sections 379-B(2),34 of IPC, 411 of IPC added later on, Police Station Division No.8, Jalandhar.

2. The FIR in the present case was registered on the basis of the statement made by Samar Julka and the same has been reproduced below:-

*To the SHO Police Station Division No.8, Jalandhar. I
am Samar Julka and working in Accu Probe Laboratory near
Chick Chick Chowk,*

Jalandhar. On 11.05.2024 at about 12.10 a.m., he was coming back to his house after working in the said laboratory and when he reached near Transport Chowk, Jalandhar, then four persons came on Activa and a motorcycle and stopped him. They told him to leave his motorcycle there and directed that he should go away. However, he did not give his motorcycle make Splendor Plus bearing No.PB-08-CG-3448 and when he resisted, then one of the persons gave 'dadar' blow but he stepped aside after leaving the motorcycle there. Thereafter, second person gave knife blow which hit on his bag and these four persons threatened him and took his motorcycle bearing No.PB-08-CG-3448 alongwith a bag containing identity card of laboratory and ₹.600/- in cash. Thereafter, all the persons ran away from the spot towards Focal Point. Due to fear, he went to his house and now he has got recorded his statement. Action be taken

3. It has been pleaded in the petition that the petitioner was not named in the FIR and the FIR was initially registered against four unknown persons. Even as per the allegations levelled by the complainant, four persons came at the spot on an Activa and motorcyce and had robbed him of his motorcycle, his bag containing Rs.600, lunch box and I.D card and thereafter, all accused fled away from the spot. In fact, during the course of investigation, the petitioner along with other three more accused namely Rakesh Kumar, Gurinder Singh and Monty were implicated in the present case. The petitioner was arrested in the present case on 11.05.2024 and is in custody for the last about 09 months. Even no specific allegation was levelled against the petitioner and the complainant in the present case had suffered no injuries.

4. A status report by way of an affidavit of Assistant Commissioner of Police, North, Jalandhar has been filed on behalf of respondent-State and the same is taken on record.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner along with other three more accused had snatched the motorcycle and the bag of the complainant. Even the petitioner had given a blow with *Dattar* on the bag of the complainant and fortunately complainant escaped unhurt. However, learned State counsel could not dispute the fact that the petitioner is in custody since 11.05.2024 and is a first offender.

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

7. In the present case, the petitioner is stated to be in custody for last about nine months and is a first offender. Even only four witnesses out of total 11 witnesses have been examined so far and the custody of the petitioner may not be required.

8. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved 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.*

9. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

24.02.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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