

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

264

CRM-M-40060-2024 (O&M)
Date of Decision:- 06.03.2025

KHARAK SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Samanpreet Kaur, Advocate (appearing through VC)
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

CRM-32805-2024

For the reasons stated in the application, same is allowed. Leave granted.

CRM-M-40060-2024

1 The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
57	21.10.2023	379-B, 341, 307, 411, 506 read with Section 34 IPC; 25 and 27 of the Arms Act	Smalsar, District Moga

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



contends that the petitioner is in custody since 05.12.2023 and consequent upon his arrest, no recovery has been effected from him. He submits that after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has assailed these arguments by arguing that the petitioner is a habitual offender. He has, however, not disputed the fact that after the completion of investigation, challan has been presented in Court.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the present FIR was registered on the statement of the complainant to the effect that on 21.10.2023, when he was going from Village Bhaloor to Mehla Kalan, at about 02:00 PM, a motorcycle waylaid him and the pillion rider pulled out a revolver and pointed it towards the complainant and threatened to kill him. Thereafter, they snatched his mobile phone and his wallet having ₹4200/- along with his Aadhaar Card, PAN card, Debit Card and Driving licence and thereafter fled away from the spot. During investigation, the complainant recorded his supplementary statement naming the petitioner and other co-accused. Accordingly, the petitioner was arrested on 05.12.2023 on the basis of production warrants.

6. After the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 15 witnesses, however, none has been examined till date. Although, there are other cases registered



against the petitioner, however, he is on bail therein. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any similar case, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

06.03.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No