

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41252-2024
Reserved on: 07.01.2025
Pronounced on: 22.01.2025

Deepak Kumar @ Goru ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhishek Sahu, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
71	06.06.2024	E-Division, Amritsar	379-B, 34 IPC (Section 411 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC seeking regular bail.
2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:-

“4. That it is submitted that as per the report furnished by the S.H.O., P.S. E-Division, Amritsar the present case FIR No. 71 dated 06.06.2024 (supra) was registered on the basis of statement of the complainant Kulwant Singh wherein it was alleged that he runs a shop of money exchange in the name of Sethi Forex Private Limited at Liberty market, where he indulges in foreign and Indian currency. On 06.06.2024 at about 1:35PM, he while keeping Indian currency notes Rs. 30 lakhs in the denomination of Rs. 500/- in one bag of blue colour by riding on his Activa scooter bearing No. PB02-EQ- 2613 was going to his home and when at about 1:55PM, he parked his Activa in front of his house then two muffled faces unknown persons by riding on one motorcycle without number came from backside and fled away after snatching his bag containing money. He chased them but they could not be found. Therefore, the present FIR No. 71 dated 06.06.2024, under Section 379B,34 IPC, PS E- Division, Amritsar was registered.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:-

“14. That it is submitted that keeping in view the totality of the facts and submissions made hereinabove, it is evident that the present petitioner Deepak Kumar @ Goru was the main conspirator in commission of crime as the present petitioner Deepak Kumar @ Goru was working at the shop of the Complainant Kulwant Singh @ Sethi and he was having complete knowledge that the complainant used to carry huge cash amount from his shop to his home. The co-accused Veenashu @ Veeshu and Shivam Kumar are friends of the present petitioner Deepak Kumar @ Goru. The present petitioner Deepak Kumar @ Goru had abetted them to snatch money bag from the complainant and had also given them information with respect to movement of the complainant. Thereupon, the co-accused Veenashu @ Veeshu and Shivam Kumar snatched money bag from the complainant and thereafter they all had distributed the snatched amount among them, out of which 20 bundles of Indian currency notes in the denomination of Rs. 500/- each total Rs. 10,00,000/- were recovered from conscious possession of the present petitioner Deepak Kumar @ Goru, Rs. 10,00,000/- was recovered from co-accused Veenashu @ Veeshu and Rs. 9,50,000/- out of the snatched amount was recovered from co-accused Shivam Kumar. They all were apprehended together. Sufficient incriminating evidence is available on record in this case FIR No. 71 dated 06.06.2024 (supra) against the present petitioner Deepak Kumar @ Goru, which is now pending for trial and charge is yet to be framed. There is strong apprehension that the petitioner Deepak Kumar @ Goru can tamper with evidence while intimidating or influencing the prosecution witnesses, if he is released on bail, which would prejudice the trial of the case. As such, no cause of action arises in favour of the petitioner Deepak Kumar @ Goru for grant of regular bail.”

7. Although there is sufficient prima facie evidence that the offence is serious but considering the fact that no injuries were caused during such snatching and as per custody certificate, petitioner's custody is more than 07 months, this Court want to give him one opportunity to mend his way to course correct. In case, petitioner repeats the offence, then the Court while considering such bail shall keep in mind that one opportunity was granted to him to mend his ways but he did not pay any heed.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

9. Per paragraph 3 of the bail petition, the petitioner has been in custody since 07.06.2024. Per the custody certificate dated 06.01.2025, the petitioner's total custody in this FIR is 06 months and 26 days.
10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
- | | | |
|----|--|--|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |
14. This order is subject to the petitioner's complying with the following terms.
15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
16. *This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.*
17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

CRM-M-41252-2024

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.