



CRM-M-42636-2024

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

CRM-M-42636-2024

Date of Decision: 01.04.2025

Sanjeev Kumar @ Gandhi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. G.S. Verma, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.549 dated 07.11.2023 under Sections 379, 379-B(2), 34 and 411 IPC, registered at Police Station Division No.7, District Ludhiana.

2. Succinctly, facts of the case are that on 07.11.2023, the police received a secret information to the effect that Ravi Kumar and Sanjeev Kumar alias Gandhi (petitioner) were involved in snatching mobiles by threatening the passers-by. It was also informed that on that day also they robbed a person and stole his Activa scooter bearing No.PB-10-FC-2809. It was also informed that they were coming to Tejpur road and Tibba road to sell the stolen mobile phones. In case of nakabandi, they could be arrested alongwith the scooter and stolen mobiles. On receiving the information, raiding party was constituted. On pointing out by the secret informer, two persons were arrested, who on asking disclosed their names as Ravi Kumar @ Ravi and Sanjeev Kumar @ Gandhi. On registration of the FIR, the investigation commenced. During the investigation, recovery of mobile phones was effected from the accused. The petitioner approached the Court of learned Additional Sessions Judge, Ludhiana praying for grant of regular



bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 08.05.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the case has been planted on the petitioner. He submits that neither any secret information received nor the petitioner was arrested from the place as projected by the prosecution. He submits that recovery effected allegedly shown is planted on the petitioner. He submits that the petitioner is behind bars since the date of his arrest, however, there is no progress in the trial. It is submitted that though the petitioner is involved in one more case, but he has already undergone the sentence awarded in that case. He, thus, submits that the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was duly named in the secret information and thus, he was arrested. He submits that during the investigation, stolen mobile phone and Activa scooter were recovered from the petitioner. On instructions from ASI Sukhdev Singh, he has submitted that out of total 12 prosecution witnesses, 03 witness have been examined and 05 witnesses have been given up. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 07.11.2023. Out of total 12 prosecution witnesses, 03 witness have been examined and 05 witnesses have been given up. The custody certificate would reflect that he has



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suffered incarceration of 01 year 04 months & 21 days as on 31.03.2025. Though the petitioner is involved in one more case, however, he has undergone the sentence in the same.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

01.04.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No