



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47658-2024 (O & M)
Date of decision: 20.01.2025

Palwinder Singh Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Chandan Singh Rana, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition under Section 483 of BNSS is for the grant of regular bail to the petitioner in case FIR No.19 dated 30.01.2023 under Sections 379-B IPC and Section 411 IPC (added later on) registered at Police Station Sadar Jagraon, Ludhiana.

2. The present FIR came to be registered at the instance of Hasmat Khan and reads as under:-

“Statement of Hasmat Khan son of Haneef Khan son of Shidambi Khan resident of Hardaspur, PS Seroli, Tehsil Aonla, District Bareilly, (UP) Currently residing as tenant in the house of Master Baljit Singh (Mattu) at Sidhwan Bet, District Ludhiana, Age about 28 Years, Mob. No. 96531-14810. I hereby state that I reside at above mentioned address on rent and I do shop of vegetable. Today, I alongwith Lal Sahib Sahni son of



Ramsareshth Sahni and driver Amarjit Singh son of Daulat Ram by riding in his Tata Ace (Chota Hathi) No. PB10-FV-2578 were going from Sidhwat Bet to Subzi Mandi Jagraon to buy vegetables and when we reached near Sutlej Cement Store and Kalgidhar Motor Garage Jagraon then one white colour car, in which four unknown persons were sitting, came from behind us and after bringing their car in front of our Tata Ace (Chhota Hathi) they signaled us to stop our vehicle. One person of fair complexion height tall who had worn police uniform came out of that car, came near us and demanded the documents of our Tata Ace (Chhota Hathi) for checking. When we were about to give documents to him for checking then he got hold of me from collar said to me that you consume drugs. In the meantime, his two accomplices also came out of their car and they gave slaps to me and started searching my pockets and snatched Rs.48,000/- which I had put in different pockets of my jacket and pant for buying vegetables and took with them. They also snatched Rs.4500/- from my friend Lal Sahib Sahni and fled away from the spot in their car. It appeared that they were having iron rod with them. Then we were going to police station to report this incident and you met us near Truck Union. I have recorded my statement to you in presence of my friend Lala Sahib Sahni, heard, is correct. Necessary legal action be taken against these 04 unknown persons. Sd/- Hasmat Khan”.

3. On 17.07.2023, Gulshan Kumar @ Sheru, Dilpreet Singh @ Golu and Parwinder Singh @ Beli (petitioner) who were already arrested in FIR No.24 dated 15.02.2023 under Sections 379-B, 323, 34 IPC, Police Station Sadar, Jagraon, during interrogation admitted to have committed the instant offence. On 17.07.2023, the petitioner and his co-accused were arrested in the present case.



On 19.07.2023, the complainant-Hashmat Khan @ Hasmat Khan identified the petitioner and his co-accused as the accused persons who had snatched the money from him and his companions.

On 20.07.2023, the petitioner was interrogation and got recovered Rs.500/- out of the amount coming to his share.

4. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. He was named in the present case only on his disclosure statement in another case i.e. FIR No.24 dated 15.02.2023 under Sections 379-B, 323 and 34 IPC, Police Station Sadar Jagraon, District Ludhiana (since granted bail vide a common order dated 07.03.2024 passed in CRM-M-48182-2023) in which he and his co-accused had been arrested. The said confessional statement was not sufficient to inculcate the petitioner and the identification at the instance of the complainant is an attempt to shore up the prosecution case. As the petitioner was in custody in the instant case since 17.07.2023 but only 02 out of the 09 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, he was entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, while referring to the reply dated 11.10.2024 which is already on record, contends that the petitioner was duly identified by the complainant upon his arrest in the instant case. He was accused in 03 other cases i.e. FIR No.59 dated 16.04.2023 under Sections 379-B/201 IPC, Police Station Sadar Jagraon, FIR No.24 dated 15.02.2023 under Sections 379-B/323/34 IPC, Police Station Sadar, Jagraon and FIR No.119 dated 29.08.2021 under Sections



279/338/304-A/427 IPC, Police Station Sadar Jagraon (offences converter to under Sections 304/323/427 and 120-B IPC), 02 of which i.e. FIR No.59 dated 16.04.2023 and FIR No.24 dated 15.02.2023 were of similar nature. Therefore, the nature of the allegations levelled against him and his co-accused did not entitle him to the concession of bail. He, however, concedes that in the instant case, the petitioner was in custody since 17.07.2023 and that only 02 out of the 09 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 17.07.2023 and 02 of the 09 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Palwinder Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case except the case(s) mentioned in the State reply dated 11.10.2024.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the



Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

11. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 20, 2025
sukhpreet

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