



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

224

CRM-M-51631-2024 (O&M)
Date of decision: May 6th, 2025

Hardeep Singh @ Moosa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gitesh Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-M-1832-2025

Prayer in this application is for placing on record the statement of complainant as Annexure A-1 and for exemption from filing the certified copy of the same.

Application is allowed subject to just exceptions.

Annexure A-1 is taken on record.

Exemption, as prayed for, is granted.

CRM-M-51631-2024

Petitioner is seeking the concession of regular bail in FIR No.110 dated 15.07.2023 under Sections 379-B(2), 506, 34, 411, 120-B of the IPC and Section 25 of The Arms Act, registered at Police Station Division No.2, Ludhiana.

2. Learned counsel for the petitioner while drawing the attention of this Court to the deposition of complainant PW-1 Sanjogita,

which has been annexed as Annexure A-1, submits that it clearly reveals that she did not support the case of the prosecution qua the petitioner, as a result of which she was declared hostile. A request has, therefore, been made to enlarge the petitioner on bail, who has now been in custody since 19.07.2023. In addition, it has also been submitted that two other material witnesses, who were examined before the trial Court also had not supported the case of the prosecution, as a result of which they were declared hostile. Learned counsel contends that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose as the trial would still take considerable time to conclude, with 13 prosecution witnesses remaining to be examined.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has, on instructions from ASI Janak Raj, not disputed the custody period of the petitioner nor has he disputed the stage of trial. It has also not been disputed by the learned State counsel that all the three material witnesses have not only been examined before the trial Court but they had been declared hostile as they had failed to identify the petitioner and support the case of the prosecution. However, learned State counsel has reiterated the allegations levelled in the FIR, which stands reproduced hereinunder:

“Today on 15-07-2023, time around 2:39PM I was alone inside the Shivam Telecom shop because the owner of the shop Mr. Vijay Kumar son of Mr. Um Prakash resident of House number 35, Street number-3. Sarpanch Colony Jamalpur, Ludhiana had gone outside for washroom. Then suddenly three unknown young men came inside the shop with their faces covered. They

threatened me not to shout. One of them wears a boxed shirt. He has a pistol in his hand. He pointed it towards me and threatened me. They took about two lakh rupees from the drawer of the shop, then I shouted loudly, then these three unknown persons fled away on their Activa(Black in color and number plates are covered with tap). Then I quickly told the incident to my owner Mr. Vijay Kumar son of Mr. Om Prakash resident of House number 35, Street number-3. Sarpanch Colony Jamalpur, Ludhiana. I along with the owner was coming to give a report, and then you have met me. I have given my statement to you in written form and heard the statement; action should be taken against three unknown persons.”

4. Learned State counsel has, on further instructions, submitted that the petitioner is involved in eight other criminal case of almost identical nature.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. All the material witnesses in the present case stand examined and were declared hostile since they failed to identify the petitioner as being the person, who had committed the crime in question. 13 prosecution witnesses remain to be examined and, therefore, the trial is unlikely to conclude in the near future.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

May 6th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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