

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58977-2024
Reserved on: 07.01.2025
Pronounced on: 13.01.2025

George Masih ...Petitioner

Versus

State of Punjabh ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.D.Sharma, Advocate, for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
38	10.03.2022	Majitha Road, District Amritsar	379-B(2), 148, 149, 411 IPC, 1860 (offence under Section 411 IPC added later on vide rapat No. 14 dated 10.03.2022)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 9 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“4. That as per the report furnished by SHO PS Majitha Road, Amritsar, on 10.03.2022, the statement of the Complainant Bachitar Singh was recorded by ASI Davinderjit Singh, Police Station Majitha Road, Amritsar wherein it was alleged that about one month ago he had purchased one car made Creta bearing No. HR-51-BS-2268, colour white in Rs. 06 lakhs as mortgaged from the present petitioner George Masih. On 09.03.2022 at about 7:30PM, he by riding on this car was going backside of BibiNanki Hospital and when he reached near gas plant of Guru Nanak Dev Hospital

then suddenly 6 to 7 haircut youngster holding datars in their hands came out of bushes and stood in front of his car and stopped his car. Two of them opened up driver side window and held him from his arms and one of them took out purse from back pocket of his trouser and took out RC of the car, his driving license, PAN card, ATM card and cash amount Rs. 07 thousands from his purse and one of them pushed him down to the ground and all of the above said persons fled away after snatching his car. He can identify those persons, if they come before him. Therefore, based on the aforesaid statement, the present case FIR No. 38 dated 10.03.2022, under Section 379-B A(2), 148, 149 IPC, Police Station Majitha Road, Amritsar was registered by ASI Davinderjit Singh.”

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 reply.

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

“7. That during interrogation, the accused Sukhbir Singh @ Sukh made a disclosure statement before the investigating officer that the present petitioner George, Ashwani Kumar and Paramjit Singh @ Pamma. The present petitioner George Masih used to sell stolen cars further by cheating. As per directions of the present petitioner George Masih, he along with Joban, Vijay both residents of Sanjay Gandhi Colony and 02 other unknown persons, total 09 persons had snatched one car having deadly weapons. They had snatched one Creta car from one person from the backside of Guru Nanak Dev Hospital. At that time, the present petitioner George Masih scared that person with datar, snatched his purse, pushed him down to the ground and snatched his car, which was parked in the house of Ashwani. The present petitioner George Masih removed and took away the number plates of the car. They were going towards Amritsar City for selling the car but were apprehended. The identification of the above accused persons and above recovered car Creta was made by the complainant Bachitar Singh. The present petitioner George Masih and above said other persons were nominated as co-accused and offence under Section 411 IPC was added vide GD No. 14 dated 10.03.2024.”

7. Per the custody certificate dated 06.01.2025, the petitioner has been in custody since 22.08.2024.

8. Although there is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, considering the quality of evidence against the petitioner which is in the nature of disclosure statement, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.
9. The petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.
10. 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.
11. 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.
12. 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) | |
13. This order is subject to the petitioner's complying with the following terms.
14. 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.
15. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.
16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. 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.

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

(ANOOP CHITKARA)
JUDGE

13.01, 2025
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Whether speaking/reasoned: Yes
Whether reportable: No.