



CRM-M-64036-2024

-1-

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64036-2024
Date of decision: 08.01.2025

PARVEEN AND ANR. ...PETITIONERS

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Shalini Atri, Advocate for the petitioners.

Mr. Amandeep Singh Samra, AAG, Punjab.

SANJAY VASHISTH, J. (ORAL)

1. The instant petition has been filed under Section 483 of Bhartiya Nagarik Suraksha Sanhita (BNSS), for grant of regular bail to the petitioners – Parveen and Kuldeep @ Meenu, who have been booked for having committed the offence punishable under Sections 318(4), 61(2) of BNNS, 2023 and 303(2), 316(2) of BNNS, 2023 added later on, in FIR No. 372, dated 24.08.2024, registered at Police Station Zirakpur, District SAS Nagar, (Mohali) during the pendency of trial.

2. Learned counsel for the petitioners argues that the case is triable by the Court of the learned Area Magistrate, which is yet to commence. She also submits that the petitioners are inside jail for the last 03 months and 10 days and their custody is not required for any fruitful purpose. She also points out that the petitioners themselves had surrendered before the Police and this conduct itself shows that petitioners are law abiding citizens and there cannot be any plan to run away from the lawful proceedings.

3. Further submits that as per the case of the prosecution, 125 ATM

**CRM-M-64036-2024****-2-**

Cards have been recovered, but it would be debatable fact whether the cards in question are in working/operational condition or not. Apart this, one swipe machine and one car are also shown to be recovered along with the cash amount of Rs.3,85,000/- The petitioners seriously dispute the recovery allegedly effected from them.

Per contra, learned State counsel does not dispute the factual submissions addressed by the counsel for the petitioners but submits that such kind of crimes are increasing in the society, therefore, no sympathy should be shown to such people. However, he further submits that the petitioners are members of some gang operated in the State of Uttar Pradesh and are in habit to take undue advantage of illiterate persons or those who are not well verse with the latest information technology.

On being asked by the Court, learned State counsel does not dispute that the recovery has already been effected and after completion of investigation, final report under Section 173 Cr.P.C has already been submitted to the concerned Court. He further informs that the process of the recording of evidence is yet to start.

After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioners. Undisputedly all the offences are triable by the Court of learned Area Magistrate and conclusion of the trial will certainly take considerable time, the process of which is yet to start. Investigation is complete and final report has already been filed. It is not the stage where any new evidence could be created without seeking permission from the Court by the prosecution. Thus, taking into consideration all the



CRM-M-64036-2024

-3-

the view that in such like cases, the petitioners cannot be kept in custody for indefinite period and therefore, can be released on bail at this stage.

Consequently, prayer made in the present petition is **allowed**.
Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

However, concerned SHO of the Police Station would make it sure that both the accused are appearing before him/her once in the last week of the every month and thereupon antecedents of the petitioners would be under scrutiny atleast for next one year.

Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

It is further made clear that if in future petitioners are found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

Petition stands disposed of.

08.01.2025
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(SANJAY VASHISTH)
JUDGE

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