

CRM-M-35699, 37681 & 37914-2023

-1-

2023:PHHC: 142883

236 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(1) CRM-M-35699-2023

Happy Singh @ Satgur SinghPetitioner

Versus

State of PunjabRespondent

(2) CRM-M-37681-2023

Randeep Singh @ DeepaPetitioner

Versus

State of PunjabRespondent

(3) CRM-M-37914-2023

Kulwinder Singh @ BabbuPetitioner

Versus

State of PunjabRespondent

Date of decision: 08.11.2023**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. S.P.S. Sidhu, Mr. Arvind Thakur and
Mr. Sarthak Jindal, Advocates
for the petitioners.

Ms. Kanica Sachdeva, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are in all the petitions detailed hereinabove, are seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.95 dated 24.05.2023 under Sections 323, 379-B, 506 of the IPC registered at Police Station Lehra, District Sangrur.

2. Mr. D.S. Virk, Advocate has put in appearance on behalf of the complainant and filed Power of Attorney, which is taken on record.

3. Learned counsel for the petitioners submit that the petitioners were not

named in the FIR in question. However, they came to be nominated later on and that too when the complainant was taken by the police to a bridge where the petitioners were sitting; the complainant then allegedly identified the petitioners as being the persons, who had allegedly snatched the keys of the motorcycle along with the mobile of the complainant before throwing them into the canal.

4. Learned counsel submits that not only was the manner in which the petitioners were identified and nominated as an accused highly suspect but the same needed to be appreciated in the light of the fact that the petitioners were not involved in any other criminal case much less a case of the similar nature.

5. It has still further been submitted that on their arrest on 27.05.2023, no recovery much less of any amount, which had been allegedly snatched from the complainant was effected from them. Learned counsel for petitioner No. 2 submits that he was similarly situated as the other petitioners before this Court, the only distinction being that he had inflicted a simple injury on the complainant.

6. Learned counsel submit that since the investigation of the case in hand is complete and charges stand framed, further incarceration of petitioners would served no useful purpose as none of the 23 prosecution witnesses had been examined so far.

7. Per contra, learned State counsel assisted by learned counsel for the complainant while vehemently opposing the prayer and submissions made by learned counsel for the petitioners, on instructions from ASI Amrit Pal Singh, has informed the Court that the case is fixed for today before the trial Court for framing of charges.

8. Learned State counsel has not disputed that the only role attributed to the petitioners is of having snatched the keys of the motorcycle of the complainant alongwith his mobile phone, which in turn was then thrown into the canal. However, it has been submitted by the counsel for the complainant that the

CRM-M-35699, 37681 & 37914-2023

-3-

petitioners were active participants in the crime in question and had conspired with each other to lure the complainant to come to the place of occurrence, whereinafter the complainant was assaulted by petitioners and was deprived of his personal belongings including Rs. 70,000/-.

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

10. The petitioners have been in custody since 27.05.2023. As many as 23 witnesses have been cited by the prosecution. Charges have not yet been framed, hence trial would take considerable time to conclude.

11. In the facts and circumstances as enumerated hereinabove, coupled with the fact that the petitioners are not involved in any other criminal case, this Court deems it fit to extend the concession of bail to the petitioners. Accordingly, the instant petitions are allowed. The petitioners 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.

08.11.2023

manoj

(MANJARI NEHRU KAUL)
JUDGE

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