



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

241

CRM-M No.51003 of 2024

DATE OF DECISION : 21st JANUARY, 2025

Arshdeep Singh @ Arshi @ Bachi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present : Mr. J. S. Moudgill, Advocate for
Mr. Amit Jain, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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MANJARI NEHRU KAUL, J. (Oral)

The petitioner is seeking the concession of bail by way of present second petition under Section 439 Cr.P.C. in case FIR No.00124 dated 05.07.2023 (Annexure P-1) under Sections 379-B & 34 IPC, registered at Police Station Sadar Jagraon, District Ludhiana, Punjab.

2. Learned Counsel for the petitioner submits that the alleged occurrence is stated to have taken place on 28.05.2023, however, the FIR in question was registered more than a month later on 05.07.2023 which makes it abundantly clear that totally false allegations have been levelled against the petitioner that he along with the co-accused snatched ₹40,000/- from the petrol pump of the complainant. It has been further submitted by the counsel that even though the challan was presented in the present case on 19.09.2023 followed by framing of charges on 20.12.2023, however, till date not even a single prosecution witness has



been examined out of the eleven cited. It has been contended that in the aforementioned facts and circumstances since the trial is unlikely to conclude in the near future, the petitioner deserves to be enlarged on bail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, has reiterated the allegations levelled in the FIR in question, which stands reproduced hereunder:

“Statement of Keshav Ram s/o Ramdeen R/o Village Majua P.S. Katra Bazar District Gonad, (UP) presently R/o Zimidara Kisan Sewa Kendra, Sherpur Kalan P.S. Sadar Jagraon Distt. Ludhiana aged about 51 years and mobile number- 9914341779 stated that I am resident of above-mentioned address and I about last 17-18 years I am working as Manager on Zimidara Kisan Sewa Kendra, Sherpur Kalan Petrol Pump. On dated 28.05.2023, I and Mohit S/o Varinder Kumar R/o Village Raghurampura, district bahrich (UP) presently R/o Zimidara Kisan Sewa Kendra, Sherpur Kalan, Petrol Pump was present then at about 07:00 PM that three young men came on the Motorcycle mark Platina without number and their faces were covered. That earlier they got petrol of Rs.60/- and left. Then after 5-7 minutes again they came at petrol pump, one out of them was carrying iron dah and one was carrying iron rod in his hands. Initially they snatched Rs.3-4



thousand from Mohit and they came in my office and after showing me iron dah, took out from drawer of my table about Rs.40 thousand. All of three were aged about 20 to 25 years. One young man was having height of about 6 feet and remaining two were of feet 6/7 inches and all of three were of mulla fashion. I have tried my best to trace the snatchers and today I came to know that name of snatchers is Arshdeep Singh @ Arsh @ Bachi s/o Jeun Singh R/o village Lama Jatpura, name of second person is Jaswant singh @ Gora S/o Paramjit Singh @ Pamma R/o kusa, P.S. Badhni Kalan, district Moga and name of third person is jagjit singh @ A.G. S/o Sukhwinder Singh R/o Padhri kalan, District Tarn Taran. These young man by showing fear of iron dah and iron rod to me and Mohit, snatched around Rs.43/44 thousand from us.”

4. However, learned State counsel has not been able to dispute, on instructions, the custody period of the petitioner and the stage of the trial. It has been submitted that the next date fixed before the trial court is 24.01.2025. Learned State counsel has also placed on record the custody certificate of the petitioner which shows his involvement in six other cases of identical nature; including a conviction.

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

6. The significant delay in the trial, caused by the repeated non-appearance of prosecution witnesses is not attributable to the



petitioner, and has resulted in his prolonged incarceration with no possibility of conclusion of the trial in the near future. The petitioner, no doubt, is shown to be involved in other criminal cases, this alone cannot justify his continues custody in the present case. The constitutional rights of the petitioner to a fair and speedy trial, as well as personal liberty under Articles 21 & 22 of the Constitution of India, are being compromised.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds 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 add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

21st January, 2025
'raj'

(MANJARI NEHRU KAUL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>