



107+239 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-51247-2024(O&M)

Date of Decision:22.04.2025

Onkar Singh @ Moti

...Petitioner

vs.

State of Punjab

...Respondent

**Coram :** Hon'ble Mr. Justice N.S.Shekhawat

**Present :** Mr. Shivender Pal, Advocate for  
Mr. Brijeshwar Singh Bhalla, Advocate  
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

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**N.S.Shekhawat J. (Oral)**

**CRM-8339-2025**

Application is allowed as prayed for subject to all just exceptions.

Annexure P-3 is taken on record.

**CRM-M-51247-2024**

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.38 dated 04.04.2024 registered under Sections 379-B(2), 34 of IPC (later on Section 411 of IPC was added) at Police Station Maqboolpura, District Amritsar.

2. The FIR in the present case was registered on the basis of the statement made by Devinder Singh son of Amar Singh and the same has been reproduced below:-

*“Statement of Devinder Singh son of Amar Singh resident of Patti Mal Ke, sultanwind, Amritsar, age about 43 years, M.No. 9878664243. It is stated that I am resident of above said address and am running a Battery Rickshaw. On 2.04.2024 at about 12/15 PM I was going from bus stand Amritsar towards Shri Guru Ram Dass Hospital Vallah after taking a passenger on my battery Rickshaw and when I reached near Vallah bridge then two young clean shaven persons came on splendor black motor cycle and by showing datar in their hand they snatched my mobile Vivo-Y-27 with Airtel sim No. 9878664243 which was lying in the pocket of my shirt and went away towards Focal Point Amritsar. Till date I have been searching for them but could not locate them. Today I have come to you and legal action be taken against unknown persons and justice be given to me. I shall be thankful to you. Statement heard which is correct. Sd/-Devinder Singh.”*

3. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and has been arrayed as an accused in the present case on the basis of the disclosure statement made by Karan Mahajan, co-accused. Except the disclosure statement suffered by co-accused, there was no other legally admissible evidence against the petitioner and even the admissibility of such an evidence is yet to be adjudicated by the trial Court during the course of trial. He further contends that the petitioner was arrested in the present case on 05.04.2024 and after completion of investigation, challan has already been presented against him. He further contends that even though, the petitioner is continuing in custody for the last more than 01 year, but the prosecution has not been able to examine even a single witness so far. Thus, further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in four similar criminal cases including one case under Sections 302 and 379-B of IPC. However, the petitioner is stated to be on bail in all the three cases.

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

6. No doubt, four more criminal cases have been registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on that ground, because the petitioner has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831, wherein it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***" 2012(1) R.C.R. (Criminal) 586. The petitioner was arrested in the present case on 05.04.2024 and the investigation has already been presented by the police in the present case. Moreover, no witness has been examined so far and there are no chances of early conclusion of the trial in near future.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty

Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.*

22.04.2025  
hemlata

(N.S.SHEKHAWAT)  
JUDGE

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