



CRM-M-33772-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-33772-2024
Decided on : 17.07.2025

HARJIT SINGH ALIAS HARRY

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sohrab Dhanda, Advocate,
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Harjit Singh @ Harry	61	23.04.2024	365, 384, 323, 34 of IPC	Division B	Amritsar

2. As per the allegations mentioned in the FIR, complainant, Ram Roop Mishra, who works as a taxi driver, stated that he had acquaintance with the accused persons, namely Lucky Sharma, Harjit Singh @ Harry, and Rajbir Singh @ Raju, for a long time, as they used to frequently visit Chandigarh.



On 17.04.2025 at around 4:30 P.M., Lucky Sharma booked a cab to travel from Chandigarh to Amritsar for a fare of Rs.6,900/-. While on the journey, after covering a distance of approximately 3–4 kilometres, Rajbir Singh @ Raju moved to occupy the front passenger seat. As the complainant began to feel sleepy, he shifted to the back seat, and Lucky Sharma took over to drive the vehicle. During the ride, all three accused allegedly threatened the complainant and coerced him to instruct his wife to deposit a sum of Rs.3 lacs. Acting under pressure, complainant's wife transferred an amount of Rs.81,000/- into the bank account of Lucky Sharma in multiple instalments at different times.

3. Counsel for the petitioner contends that a false case has been registered against all the accused persons. It is an admitted fact in the FIR that complainant and accused were already known to each other and had been travelling together frequently in the car driven by the complainant. The dispute, in reality, pertains to a monetary issue, and amount of Rs.81,000/- was transferred in multiple transactions, solely on that account. However, complainant, with some ulterior motive, has concocted a false story and lodged the present FIR against the petitioner and the co-accused.

It is further submitted that, vide order dated 25.03.2025, this Court had specifically directed that statements of all material witnesses be recorded, and the matter was accordingly fixed for proceedings on 17.07.2025, i.e., today itself. Despite there being no fault on the part of the petitioner, none of the witnesses have been examined by the



prosecution, till date. Only one witness, namely ASI Baldev Singh (PW-1), has been partly examined-in-chief on 12.06.2025.

4. Counsel for the petitioner also produces the copies of the zimni orders dated 03.04.2025, 17.04.2025, 01.05.2025, 15.05.2025, and 29.05.2025, which clearly indicate that on all these dates, none of the prosecution witnesses appeared before the trial Court. As already noticed, only partial examination-in-chief of PW-1 was recorded on 12.06.2025, and now, the matter is fixed for 24.07.2025. The Court has also issued non-bailable warrants (NBWs), vide order dated 10.07.2025, against ASI Baldev Singh and Ram Roop Mishra through the concerned SHO, for their appearance on the said date.

5. Further submits that petitioner is inside jail for a period of 1 year 2 months and 21 days, and all the offences are triable by the Court of learned Magistrate. Thus, prays for grant of regular bail to the petitioner in the present case.

6. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 16.07.2025, in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 1 year 2 months and 21 days period inside jail.

7. While opposing the prayer made by the petitioner, learned State Counsel submits that there are serious allegations against the petitioner. However, with respect to the stage of trial, he does not raise



any dispute and, in fact, expresses his inability to offer any explanation for non-appearance of the prosecution witnesses.

8. On being asked by the Court, it is further informed that the other two co-accused, namely Lucky Sharma and Rajbir Singh @ Raju, have not been arrested, till date.

Notably, all the offences alleged against the petitioner are triable by the Court of learned Magistrate, and apart from one previous FIR bearing No.266 dated 08.10.2022 under Section 21-A of the NDPS Act, registered at Police Station A Division, Amritsar, in which petitioner has already been granted bail, there is no other case involving him in similar activities.

9. Taking into consideration all the circumstances as brought to the notice of the Court and recorded here above, this Court is of the view that it would not be appropriate to curtail personal liberty of the petitioner for an indefinite period. Therefore, prayer made in the present petition is allowed.

10. Consequently, petitioner is ordered to be released on bail, subject to his 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.

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

12. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case.



Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

17.07.2025

Lavisha

Whether Speaking/Reasoned: ✓ YES/NO

Whether Reportable: ✓ YES/NO