



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-48179-2024 (O&M)

Date of decision: 18.02.2025

Jatin Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Krishan Kanha, Advocate and
Mr. Prince, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.92 dated 14.07.2024 under Sections 303(2) of the Bharatiya Nyaya Sanhita, 2023 (Sections 317(2), 3(5), 317(4) of the Bharatiya Nyaya Sanhita, 2023 added lateron) registered at Police Station Division 8, District Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has no previous criminal antecedents, much less ever been involved in a case of identical nature; the petitioner has been in custody since 14.07.2024 after a secret information was allegedly received qua him and the co-accused indulging in theft of two wheelers. Learned counsel has argued that even though challan was presented way back on 06.09.2024, however, charges had not yet been framed, hence, the



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possibility of the trial concluding in the near future did not arise, moreso, when as many as 10 prosecution witnesses had been cited.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. However, it has been submitted that the case was just recently committed to the Court of Sessions and that was one of the reasons why the charges had not yet been framed. Learned State counsel has instead drawn the attention of this Court to the allegations levelled in the FIR which stands reproduced hereinunder:-

*“SHO Police Station Division No. 8 Ludhiana. Sir, Today I SI, along with fellow employees SI Gurdeep Raj, No. 757 Ludh, Constable Vinod Kumar No. 3433/Ludhiana. Constable Gurjant Singh No. 4188/Ludhiana were riding private vehicle in regards to patrolling and we were present at Aarti Chowk Ludhiana in order to look for suspicious and anti-social elements. Where one important informer came to me SI and deposed to me in confidence that Harpreet Singh alias Happy son of Sher Singh resident of Krishna Colony Raho Road Ludhiana, Naresh Singh son of Kuldeep Singh resident of Gotam Colony Jagir Pur Road Ludhiana and **Jatin Sharma**/son of Naresh Kumar resident of Vardhaman Nagar Road Ludhiana who are habitual of stealing, even today are bringing one stolen Activa Make Honda Activa Color White bearing registration Number PB-10-FE-6684 by riding the same from Rajpura Chowk Hambra Road to Shagu Chowk Ferozepur Road Ludhiana Side to sell the stolen Activa. If strict checking is done by barricading the Sang check post, then accused Harpreet Singh alias Happy son of Sher Singh resident of Krisna Colony Road Ludhiana, Naros Singh son of Kuldeep Singh resident of Pritam Colony Jagir Pur Road Ludhiana and Jatin Sarma son of Naresh Kumar resident of Vardhaman Nagar Road Ludhiana, can be apprehended along with the stolen activa. The information is true and reliable. Harpreet Singh alias Happy son of Sher Singh resident of Krishna Colony Road Ludhiana, Naresh Singh son of Kuldeep*



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*Singh resident of Gautam Colony Jagirpur Road Ludhiana and **Jatin Sharma** son of Naresh Kumar resident of Vardhaman Nagar Road Ludhiana have committed and fulfilled the ingredients of offence under Section 303(2) Appreciation of the BNS. Therefore, after writing of a ruqua against Harpreet Singh alias Happy son of Ser Singh resident of Krishna Colony road Ludhiana, Naresh Singh son of Kuldeep Singh resident of Gotam Colony Jagirpur Road Ludhiana and **Jatin Sharma** son of Naresh Kumar resident of Vardhaman Nagar Road Ludhiana, who were caught along with the vehicle for committing the crime is being sent to police station, to register the case, through the hands constable Gurjant Singh No. 4188/Ludhi, after taking out a print with the help of a hand painter. The case should be registered and the case number should be made aware, the control room should be notified. Special reports to be issued. I SI along with my fellow employees are leaving towards the blockade at Sagu Chowk Ludhiana. SD/- Satnam Singh ASI Police Post Ghumao Mandi Police Station Division No. 8 Ludhiana dated 14-7-2024. xxxxxxxx”*

4. Learned State counsel has submitted that a reading of the FIR clearly reveals that a specific secret information had been received qua the petitioner and the co-accused indulging in theft of two wheelers; on being arrested, recovery of five other stolen two wheelers was made from the petitioner and the co-accused, which as per the learned State counsel leaves no manner of doubt about the authenticity of the secret information received qua the petitioner.

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

6. The petitioner has been in custody since 14.07.2024; the petitioner is not stated to be involved in any other criminal case, much less a case of identical nature. The trial would take considerable time to conclude as charges are likely to be framed only on the next date fixed before the learned Trial Court i.e. 05.03.2025. In the facts and



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circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. 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.

9. Pending applications, if any, stand disposed.

18.02.2025

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**(MANJARI NEHRU KAUL)
JUDGE**

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