



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41387-2024

Date of Decision:21.01.2025

Gurjit Singh @ Giani ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Lakhwinder Singh Mann, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 31, dated 07.02.2024, registered under Sections 379-B/323 of IPC (Sections 201 of IPC added later on), Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Gurbaksh Kaur wife of Rajender Pal and the same has been reproduced below:-

*“Statement of Gurbaksh Kaur Wife of Rajender Pal
R/o Shekawal Police station Shahkot, District Jalandhar Rural
aged about 45 years Mobile number 95927-74543 Stated that I am
resident of above said address and do household work. That today
on dated 07.02.2024 time approximately 3.30-3.45, I and my
husband Rajinder Pal Singh son of Lakshman Singh Resident of*

Village Shekhewal after meeting my sister Kulwinder Kaur W/o Satwinder Singh R/o near Bebe Nanki Gurudwara Sahib Talwandi, were going back to our Village at our motorcycle. My husband Rajinder Singh was driving the motorcycle. That when we reached near Garai Chowk Sultanpur Lodhi, suddenly two young men on a motorcycle came from behind and a boy sitting on a motorcycle pounced towards me and snatched my right earring. When I covered my left ear with my hand to save my left earring, the motorcyclist pushed me while I was sitting behind my husband's motorcycle and he took my left earring also and threw me down from the seat of the motorcycle due to the fall I suffered injury on my face and on the right side of the forehead and as I was injured so my husband Rajinder pal Singh got me admitted to Civil Hospital Sultanpur Lodhi with the help of passerby. Kindly legal action be taken against the two unidentified men who has snatched my earring. I can recognize the persons who pushed me from motorcycle and injured me on my forehead and face if they come in front of me. Action should be taken against those boys who snatched my earring. I am recording my statement in the presence of my husband Rajinder Pal Singh, the statement has been recorded, read and correct. Sd/- Gurbaksh Kaur, Gurbaksh Kaur aforesaid 95927-14543, Sd/- Rajinder Pal Singh, Rajinder pal Singh, Attested by Baldev singh ASI, P.S Sultanpur Lodhi, Dated 07.02.2024.

3. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR nor any physical description or attribute of the petitioner has been mentioned in the present case. During the course of the investigation, the police had falsely involved Jasvir Singh @ Jassa Gill, co-accused, who was already arrested in another criminal case and he was ordered to be arrested in the present case also. The petitioner has been arrayed as an accused in the present case on the strength of the disclosure statement suffered by Jasvir Singh

@Jassa Gill and was arrested by the police on 14.04.2024. Learned counsel further contends that even though the complainant had stated in the FIR that she could recognise the accused, if the accused was produced before her; but no test identification parade was conducted in the present case. The petitioner was earlier involved in one more case i.e. FIR No.47, dated 13.03.2024, under Sections 386,506 of IPC, 25/54/59 of Arms Act (offence under Sections 307,212,213,224,120-B of IPC was added later on), Police Station Sultanpur Lodhi, but the petitioner is on bail in the said case.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the petitioner and he does not deserve the concession of regular bail.

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

6. In the present case, the prosecution had failed to conduct any test identification parade and the petitioner has been nominated as an accused in the present case only on the basis of disclosure statement suffered by the Jasvir Singh @ Jassa Gill, co-accused. The petitioner is stated to be in custody for the last about 09 months and no witness has been examined so far.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved 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.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

21.01.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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