

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-173 of 2017

Date of Decision : 13.01.2017

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anupam Bhardwaj, Advocate
for the petitioner.

Surinder Gupta, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 64 dated 07.10.2016 registered for offences punishable under Sections 379-B read with Section 34 IPC, at Police Station Khilchian, District Amritsar.

Heard.

Notice of motion.

On asking of the court, Ms. Bhavna Gupta, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Learned counsel for the petitioner submits that allegation against the petitioner is that he alongwith his co-accessed Lovepreet snatched mobile phone of the complainant after giving him *datar* blow. The petitioner was arrested on 08.10.2016 and is in custody since then. Challan has been presented by the police. His co-accused Lovepreet is also in custody.

Learned State counsel opposed the bail application on two grounds. Firstly, that the statement of complainant has not been recorded; and secondly, there is another case registered against the petitioner for offence

punishable under the provisions of NDPS Act for which FIR No. 65 of 2016 has been registered against the petitioner at Police Station Khilchian, District Amritsar.

Learned counsel for the petitioner submits that in FIR no. 65 of 2016 the petitioner is already on bail and in this case the next date before trial Court is 18.01.2017 for framing of the charge.

In view of submissions of learned counsel for the petitioner and taking into account the nature of offence but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Balwinder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the previous permission of the Court.

January 13, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No