

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

**CRM-M No.43197 of 2019 (O&M)
Decided on: 10.12.2019**

Mukhtiar Singh @ Rinku

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.S. Sekhon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 3rd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.74 dated 26.05.2018, for offence punishable under Sections 323, 148, 149, 427, 506 of the Indian Penal Code, 1860 (in short 'IPC') (Section 379-B IPC added later), registered at Police Station Guruhar Sahai, District Ferozepur.

The earlier petition was dismissed as withdrawn on 16.07.2019.

Considering the long custody of the petitioner, the present petition has been filed for grant of regular bail to the petitioner.

Counsel for the petitioner has argued that the FIR was registered after 03 days of the incident with the allegations that the complainant – Mangal Singh on receiving a call on his mobile phone,

reached Grain Market on his motorcycle, when 8-10 muffled faces persons attacked him and one of the person, whose face was un-muffled was identified as Karan. It is further stated that in the FIR that the assailants snatched his mobile phone and Rs.5,000/- cash.

Counsel for the petitioner has further submitted that the person named as Karan has already been granted the concession of regular bail by this Court vide order dated 10.07.2019 passed in CRM-M No.3803 of 2019. It is also submitted that prior to registration of this FIR, the petitioner along with the aforesaid Karan is also involved in 02 more FIRs i.e. FIR Nos.72 and 79, which are dated 24.05.2019 and even thereafter, the petitioner was involved in some other FIRs within a period of 01 month. It is further argued that challan stands presented against the petitioner and he is in custody for the last 01 year and 03 months and till date, no prosecution witness has been examined.

Counsel for the State, on instructions from ASI Tershmer Sharma, and on the basis of the Custody Certificate has not disputed the factual position.

Without commenting anything on merits of the case, considering the fact that challan stands presented; the petitioner is in custody for the last 01 year and 03 months; till date, no prosecution witness has been examined and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for

cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

10.12.2019
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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