

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

214

CRM-M-47925-2019

Date of decision: 03.12.2019

Harjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Simsi Dhir Malhotra, Advocate for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.148 dated 09.09.2019 under Sections 379-B and 411 of the Indian Penal Code, 1860 registered at Police Station Garhshankar, District Hoshiarpur.

Learned State counsel has appeared and opposed the bail application.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has argued that as per the FIR two persons with muffled faces travelling on motorcycle bearing registration No.PB07-AT-4154 had committed offence of snatching mobile phone and amount of ₹1,200/- from complainant-Ravinder Kumar. No test identification parade was conducted for his identification. The motorcycle in question does not belong to the petitioner. Mobile phone was allegedly recovered from the petitioner but the same did not have any SIM Card of the petitioner and the

recovery thereof was planted on him to falsely implicate him in the case. The petitioner is not involved in any other case. The petitioner is in custody since 09.09.2019. The trial is likely to take long time. No useful purpose will be served by keeping the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner committed heinous offence of snatching and does not deserve grant of concession of regular bail. Therefore, the petition may be dismissed.

However, learned State counsel has conceded that the petitioner is not involved in any other case.

Keeping in view the facts and circumstances of the case, particularly the facts that the offence is alleged to have been committed by two persons who had muffled their faces, no test identification parade was conducted, the petitioner is not involved in any other case, the trial is likely to take a long time and no useful purpose will be served by keeping the petitioner in custody during trial but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate, Hoshiarpur.

03.12.2019

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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