

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

210

**CRM-M-16297-2020
Date of decision: 09.07.2020**

Sahil Bawa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Balbir Kumar Saini, Advocate
for the petitioner.

Mr. Manreet Singh Nagra, AAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.42 dated 25.02.2020 registered under Sections 328, 379, 379-B and 411 of the Indian Penal Code, 1860 (for short, "IPC") at Police Station City Moga, District Moga.

Briefly stated, the facts relevant for disposal of the present petition as per the case of the prosecution are that on 25.02.2020 at about 06:15 P.M. ASI Amarjit Singh along with other police officials was present at Majestic Chowk, Moga in connection with checking of suspected persons. A secret information was received that Himmat Singh @ Honey, Akashdeep Singh, Davinder Singh @ Goli and Sahil Bawa (petitioner) who were indulging in snatching of mobile phones

and cash from the passersby and road users after putting chilly powder in their eyes are having red-black coloured CD-Deluxe motorcycle without registration number and are present near Nature Park, Moga for committing crime and if raid is conducted then they could be apprehended with stolen mobile phones and motorcycle. Raid was conducted accordingly and the petitioner was apprehended along with his co-accused and recovery of a stolen motorcycle and mobile phone was made from their possession.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

Copy of the petition has already been supplied to learned State counsel who has opposed the same and filed custody certificate through e-mail print out of which is taken on record.

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

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case on the basis of secret information. No recovery was made from the petitioner. Recovery of mobile phone was allegedly made from his co-accused Himmat Singh @ Honey and recovery of motorcycle was made from his co-accused Akashdeep Singh. There is no evidence as to snatching of any valuables by the petitioner from anyone. The trial is likely to take long time and no useful purpose will be served by his further detention in custody. Therefore, the petitioner may be granted concession of regular bail.

On the other hand, learned State counsel has submitted that

the petitioner is a habitual offender and indulges in snatching of mobile phones and cash from the passersby and road users after putting chilly powder in their eyes. In view of gravity of accusation, the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, particularly the fact that no recovery was made from him and also the fact that the trial is likely to take long time but without commenting on the 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/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit similar offence after his release on bail and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

09.07.2020

Vinay

**(ARUN KUMAR TYAGI)
JUDGE**

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