

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23882-2020 (O&M)
Date of Decision:-21.9.2020

Karan Athwal @ Buntoo @ Mintu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.338 dated 31.07.2016 registered at Police Station Civil Lines Amritsar, District Amritsar, Punjab under Sections 379-B read with Section 34 IPC, wherein offences under Sections 411 and 201 IPC were added later on.
2. The FIR was lodged at the instance of Rajwinder Kaur, wherein it has been alleged that on 31.7.2016 when she alongwith her husband and children was standing in front of Bansal Sweet Shop, then 3 persons came there riding on a motorcycle and snatched the mobile phone held by the complainant. It is further alleged that one of them namely Saurav fell down on the ground and was apprehended with the help of passersby. It is further the case of

prosecution that during the course of interrogation the aforesaid Saurav disclosed the name of his companions as Deepak and Karan Athwal @ Buntoo @ Mintu (petitioner).

3. The learned counsel for the petitioner has submitted that the petitioner was never apprehended at the spot and that, in any case, since as of now even the main accused namely Saurav as well as Deepak have been granted bail, the petitioner, in any case, deserves the concession of bail on grounds of parity.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner was specifically named by co-accused, who was apprehended at the spot, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has been behind bars since the last more than 3 months.
5. I have considered rival submissions addressed before this Court.
6. Bearing in mind the nature of allegations and also the fact that the petitioner has been behind bars since the last more than 3 months and is not stated to be wanted in any other case, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.9.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No