

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

CRM-M-32546-2019 (O&M)
Date of Decision:-10.1.2020

Sham Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Atul Goyal, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by ASI Balwinder Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-362-2020

By way of filing this application, the applicant/petitioner has prayed for amendment in the prayer clause of the main petition by adding offences under Sections 411, 201 and 395 of Indian Penal Code.

In view of the reasons mentioned in the application, the same is allowed as prayed for.

Registry is directed to amend the head note as well as the prayer clause of the petition accordingly.

CRM-M-32546-2019

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.103 dated 22.6.2019 registered at

Police Station Dugri, District Police Commissionerate, Ludhiana under Sections 392, 397, 411, 201 and 395 of Indian Penal Code.

2. The FIR was lodged at the instance of Mausam @ Akash, wherein it has been alleged that on 19.6.2019 when he was returning home from work on his bicycle, then he was way laid by 7-8 boys, who came on three motorcycles. It is alleged that one of them hit him with an iron 'dadar' on his leg and they snatched his mobile phone and also his purse which contained his documents and a cash amount of ₹5,000/-. It is alleged that said boys were referring to each other as Rahul, Suraj, Sandeep, Sharukh, Sham and Navi.
3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, the investigation stands concluded and the recovery of two mobile phones has already been effected and challan stands presented and that in these circumstances the petitioner is no longer required to be detained any further.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out, especially keeping in view the fact that the recovery of mobile phone would substantiate the allegations levelled by the complainant.
5. I have considered rival submissions addressed before this Court.
6. Bearing in mind the nature of allegations and the fact that the investigation stands concluded and also that the petitioner has been behind bars since the last more than six months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time.
7. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.1.2020

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No