

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

109

**CRM-M-48986-2019
Date of decision: 19.03.2020**

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajesh Kumar Dadwal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab
for the respondent.

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.157 dated 03.07.2018 under Section 379B read with Section 34 of the Indian Penal Code, 1860 registered at Police Station Tanda, District Hoshiarpur.

The above said FIR was registered on statement of Gurmit Singh. In his statement Gurmit Singh has alleged that on 14.06.2018 he was going from his house to Village Ghorawaha on Splendor Plus motorcycle bearing registration No.PB-07-AZ-7504. At about 11:30 P.M., when he reached near village Ghorawah, two clear shaven youths by parking their motorcycle stopped him and by putting him to fear snatched Rs.2,200/-, Samsung mobile phone and abovesaid motorcycle. In FIR No.68, dated 04.07.2018 under Sections 379 and 411 of the IPC registered at Police Station, Mehtiana accused Subhash Bains was arrested with Splendor motorcycle No.PB-07-AZ-7504 who during

interrogation suffered disclosure statement that he had purchased said motorcycle from Gurpreet Singh @ Raju (the present petitioner). The petitioner who is in custody since his arrest in the case on 22.07.2019 has filed the present petition for grant of regular bail.

Learned State counsel has appeared and opposed the bail application in terms of status report filed by way of affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub-Division Tanda, District Hoshiarpur.

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 the petitioner has been falsely implicated in this case on the basis of disclosure statement of co-accused Subhash Bains. The occurrence had taken place on 14.06.2018 but the FIR in question was registered on 03.07.2018 after undue and unexplained delay of 19 days. No test identification parade was got conducted. The trial is likely to take long time and no useful purpose will be served by keeping the petitioner in further custody. Co-accused Sukhvir Singh @ Sukha has been granted bail by learned Sessions Judge, Hoshiarpur vide order dated 07.03.2020. 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 the grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, parity with co-

accused Sukhvir Singh @ Sukha who has been granted bail by learned Sessions Judge, Hoshiarpur vide order dated 07.03.2020 and the fact that the trial is likely to take long time and no useful purpose will be served by keeping the petitioner in custody 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/Duty Magistrate concerned.

19.03.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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