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

CRM-M-2945-2021
Date of decision : 09.09.2021

Akashdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. K.S. Brar, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.42 dated 25.02.2020 (Annexure P-1) registered under Sections 328, 379, 379-B, 411 of the Indian Penal Code, 1860 at Police Station Moga, District Moga.

Learned counsel for the petitioner has submitted that as per the prosecution version, a secret information was received that the petitioner alongwith Himmat Singh, Devinder Singh and Sahil Bawa, were indulging in snatching of mobile phones and cash from the passerby and on the basis of the said information, the raid was conducted in which only Sahil Bawa was apprehended. He has further submitted that even as per the prosecution case, the petitioner was not apprehended. It is further argued that Sahil Bawa, who as per the prosecution case has been apprehended, has already been granted the concession of regular bail by the Coordinate Bench of this Court vide judgment dated 09.07.2020 passed in CRM-M-16297-2020. It is further submitted that as

per the custody certificate, copy of which is taken on record, the petitioner has already undergone actual sentence of 1 year, 6 months & 13 days and challan has been presented and no witness has been examined and the petitioner is not involved in any other case.

Learned counsel for the State, although, has opposed the present petition for grant of regular bail to the petitioner but could not dispute the factual aspects as highlighted by the learned counsel for the petitioner. He has further submitted that no witness has been examined till date.

Without commenting on the merits of the case and keeping in view the abovesaid facts and circumstances, moreso the fact that the petitioner was not apprehended at the spot and the petitioner has already undergone actual sentence of 1 year, 6 months and 13 days and is not involved in any other case and co-accused of the petitioner namely Sahil Bawa, who was apprehended at the spot, has already been granted the concession of regular bail by the Coordinate Bench of this court, this Court feels that the present petitioner deserves to be released on regular bail.

Hence, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

09.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No