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

(Through Video-conferencing)

Date of Decision: 22.09.2021

1. CRM-M No.10342 of 2021(O&M)

Gurpreet Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

2. CRM-M No.14518 of 2021(O&M)

Gurpreet Singh @ Goru

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Hoshiar Singh, Advocate
for the petitioner in CRM-M No.10342 of 2021.

Mr. K.S. Brar, Advocate
for the petitioner in CRM-M No.14518 of 2021.

Mr. Amar Ashok Pathak, Addl., A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.10342 of 2021
titled Gurpreet Singh Vs. State of Punjab and CRM-M No.14518
of 2021 titled Gurpreet Singh @ Goru Vs. State of Punjab are

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being disposed of. Since common facts are involved, therefore, facts are being culled out from CRM-M No.10342 of 2021.

Prayer is for grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0258 dated 23.12.2020 registered under Sections 379-B/34 IPC at Police Station Fazilka, District Fazilka.

The allegations are that the complainant Raj Kumar @ Lucky was going back to his house from working place. When he reached near Multani Octroi, he received a call. When he was talking on mobile, then from backside, two persons came on a motorcycle. Pillion rider snatched away the phone. The complainant immediately got the motorcycle from behind and the same fell down. The motorcyclist were apprehended at the spot. The driver told his name as Gurpreet Singh @ Goru son of Sukhwinder Singh, whereas pillion rider disclosed his name as Gurpreet Singh @ Preetu son of Daljit Singh. Many persons gathered at the spot and they started giving beatings to the motorcyclists. Police reached at the spot after some time.

Learned counsel for the petitioner(s) submits that it could be quite unnatural for the complainant to wait for arrival of the police without making any effort to recover his mobile from the snatcher. According to the reply filed by the State, it has been disclosed in para No.5 that the motorcyclists were arrested

by the police on the same day i.e. 23.12.2020 and mobile was recovered from the accused.

Learned State counsel on the basis of oral instructions from ASI Kulwant Singh submits that in the process of giving beatings to the motorcyclists, the mobile fell down on the ground and the same was picked up by the complainant himself and the people at the spot.

Petitioner(s) has/have also pleaded in para No.4 of the petition that the recovery was effected from the driver.

In the light of different projections given by both the sides, it would be debatable as to whether there was in fact a snatching of mobile and recovery thereof by the public at large or by the police. Challan has already been presented. Charges have been framed, but no prosecution witness has been examined so far. Petitioner(s) is/are in custody since 23.02.2020.

In view of aforesaid and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioners on regular bail.

In view of above, petitions are allowed. Petitioners are ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

22.09.2021	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No