

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

CRM-30696-2021 in/and
CRM-M-13165-2021 (O&M)
Date of Decision:- 20.9.2021

Vishal @ Lota

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.S.Thakur, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Sudesh Kumar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-30696-2021

In view of the reasons mentioned in the application, the same is
allowed and Annexure P-3 is taken on record subject to all just exceptions.

CRM-M-13165-2021 (O&M)

1. The petitioner has approached this Court seeking grant of regular bail
in a case registered vide FIR No.437, dated 28.11.2020, Police

Station Division No.5 District Jalandhar Commissionerate, under Sections 379-B, 34 IPC (Sections 379, 411 IPC added later on).

2. The FIR in question was lodged at the instance of Rama Shanker wherein it is alleged that on 10.11.2020 at about 7 am while he was proceeding to his workplace, two persons snatched his mobile phone, which the complainant was carrying and started to run from the place of occurrence. The complainant however, followed them. The complainant saw that one more person was standing near the turn with a black coloured Activa scooter and the two boys who had snatched the phone sat on the Activa scooter and made good their escape. Complainant alleged that he had been making efforts to trace out the culprits and now he strongly suspected that his mobile phone had been snatched by Sunny s/o Tarsem Singh, Sunny @ Manna and that Vishal had helped them escape from the spot with the help of his Activa scooter.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that in any case even as per the FIR it is the co-accused who are alleged to have snatched the mobile phone of the complainant.
4. Opposing the petition, learned State counsel has submitted that keeping in view the role attributed to the petitioner in facilitating the escape of the other two accused, his complicity is clearly evident. Learned State counsel has however, informed that the petitioner has been behind bars since the last about 9 months and 19 days and that he happens to be involved in one more case registered under NDPS

Act pertaining to recovery of 'non-commercial quantity' of contraband. It has been informed that in the instant case 10 PWs have been cited and that charges are yet to be framed.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and the role attributed to the petitioner and while also noticing the custody period of the petitioner which is stated to be more than 9 months and the fact that the trial has not even commenced till date, further detention of the petitioner will not serve any useful purpose. 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.

20.9.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No