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

**CRM-M No.18581 of 2021(O&M)
Date of Decision: 29.07.2021**

Harphool Singh @ Bugla

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. N.S. Chahal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.12 dated 30.01.2021 registered under Section 379-B IPC (Section 411 IPC added later on) at Police Station Jaitu, District Faridkot.

As per prosecution case, on 29.01.2021 at about 7:30 PM, the complainant Sharad Singh along with his wife Gagandeep Kaur was going to bazaar for some work. In the

meanwhile, one motorcycle came from the side of the market, on which 3 persons were riding. They were having muffled faces and snatched mobile phone from the hands of the wife of the complainant. The complainant chased them and while chasing, the complainant reached Bajakhana Chowk, Jaito, where he came to know from the people standing at the bus stand that the petitioner was driving the motorcycle. Arjan Singh and Arshdeep Singh were the pillion riders. On the aforesaid statement of someone standing at the bus stand, the petitioner was implicated in the present case without test identification parade.

Learned counsel for the petitioner submits that mobile phone has been allegedly recovered from the petitioner and recovery memo does not carry signature of the petitioner. It would be debatable as to the identity of the accused on the basis of statement of someone standing at the bus stand, who saw the accused party in muffled faces. The absence of signature on the recovery memo would be hit by the ratio laid down in **Sandeep Kumar Vs. State of Punjab, 2019(4) RCR (Criminal) 741**. Petitioner is in custody since 02.02.2021.

Learned State counsel on instructions from SI Harphool Singh, however, opposed the bail on the premise that recovery has been effected from the petitioner. Challan has been presented, but charges have not been framed so far.

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

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

29.07.2021
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(RAJ MOHAN SINGH)
JUDGE

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