

CRM-M-20728-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-20728-2021 (O&M).
Decided on: May 28, 2021.**

Ajay Kumar @ Raju

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.S.S.Maini, Advocate,
for the petitioner.**

Mr.Sidakmeet Sandhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.17 dated 01.02.2021, under Sections 379-B/34 IPC and Section 201 IPC added later on, registered at Police Station, City Kotkapura, District Faridkot.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and a bare perusal of the FIR would show that the complainant has stated that two persons had

CRM-M-20728-2021 (O&M)

come and had snatched approximately Rs.4,000/- from the complainant who is vegetable vendor and after three days, the complainant lodged a complaint alleging that action was done by the petitioner and one another co-accused namely Satnam Singh @ Satta. Learned counsel for the petitioner has submitted that the present FIR has been planted upon the petitioner and the petitioner was never identified by the complainant. He has further submitted that even during the identification parade before the learned Magistrate, the petitioner has not been identified by the complainant. He has further submitted that investigation of the present case is already complete and the challan has also been presented. He has further submitted that the petitioner is in custody for the last 3 months and 22 days and is not involved in any other case and therefore, he has prayed for the grant of regular bail to the petitioner.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody for the last 3 month and 22 days and it is also correct that investigation of the case is complete and challan has also been presented before the competent Court. It is also not disputed by the learned State counsel that the petitioner has not been identified by the complainant before the learned Judicial Magistrate during identification parade. It is also not disputed by the learned State counsel that the petitioner is not involved in any other case.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not disputed. It is also not disputed that the investigation is already complete and the challan

CRM-M-20728-2021 (O&M)

stands presented. As per learned State counsel, it is also correct that the petitioner is not involved in any other case. It is also not disputed by the learned counsel for both the sides that during identification parade before the learned Judicial Magistrate, the petitioner has not been identified by the complainant. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may tamper with the evidence or may influence any witness or flee away from justice.

Considering the totality of the circumstances of the present case, this Court deems it fit and appropriate to admit the petitioner on bail. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

May 28, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No