

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.21073 of 2021
Date of Decision: November 10, 2021

Rajbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Tejinderbir Singh, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.37 dated 12.04.2021, under Section 382 IPC, 1860, registered at Police Station, Moonak, District Sangrur, who is in custody since his arrest on 12.04.2021.

The above FIR was registered on the statement of complainant Ankit Singla, who stated that on 12.04.2021 at about 3.00 p.m., while he was present in his office at Singla Petroleum Pump, Badalgarh, accused entered his office and showed him a toy pistol like real pistol and snatched Rs.5000/- from him. When the accused came out from the office and tried to run away on his motor-cycle, then the complainant apprehended him with the help of his petrol pump staff. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that as per allegations, the petitioner snatched a sum of Rs.5,000/- from the complainant, who was present on the spot and initially the FIR was registered only for the offence punishable under Section 382 IPC, but later on, after completion of investigation, the said offence has been substituted with the offence punishable under Section 392 IPC. According to him, complainant and petitioner were previously known to each other and have arrived at a compromise. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Balbir Singh, while opposing the prayer, has argued that since the petitioner was carrying a toy gun, therefore, the victim was put under threat of life and the alleged occurrence would fall within the definition of Section 390 IPC. However, it is not disputed that the investigation of the case is complete and the petitioner is not involved in any other case as per custody certificate dated 10.11.2021 filed by way of affidavit of Rajdeep Singh, PPS, Additional Superintendent, Central Prison, Patiala.

After hearing the learned counsel for the parties and considering the above background, this court finds that the trial is yet to commence and as the petitioner is not involved in any other case, therefore, considering his period of custody, this court does not find any reason to decline the prayer, particularly when the prosecution witnesses are either the complainant or the police officials and there is no possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail

bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty
Magistrate, Sangrur.

November 10, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No