

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-19257 of 2020
Date of decision:23.09.2021

Saurav Singh @ Ghora

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

The petitioner is seeking regular bail in case FIR No.83 dated 27.07.2019 registered under Sections 379-B and 411 of Indian Penal Code, 1860 at Police Station Mohakampura, Amritsar, District Amritsar (Annexure P-1).

As per the version of the prosecution, FIR (Annexure P-1) has been registered on the statement of Kumari Chandni on the allegation that on 17.07.2019 at about 1.00 p.m., when she was going for work on foot and talking on the cellphone, two clean shaven boys, who were riding a motorcycle came from behind and snatched her mobile. Due to the sudden occurrence, she did not notice the registration number of the motorcycle.

Counsel for the petitioner submits that the petitioner has been falsely framed as he has not been named in the FIR. He urges that the petitioner has been involved on the basis of confessional statement of the

petitioner, which is inadmissible in evidence. He submits that the petitioner is involved in three other cases, two of which have been registered against him under Section 379-B, IPC, in which he is on bail and in the third case which has been registered for offence under the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has been acquitted. He asserts that the petitioner is no longer required for custodial interrogation as the investigation qua him is complete, challan has been presented and the petitioner, who is in custody since 30.07.2019 deserves to be enlarged on bail.

Opposing the petition, State counsel upon instructions from ASI Rajwinder Singh, submits that the petitioner does not deserve the concession of bail because of his criminal antecedents. By referring to the status report filed by way of an affidavit of ADCP City-3, Amritsar City, State counsel submits that the Test Identification Parade has been conducted as per the procedure and the complainant has duly identified the petitioner. As per his instructions, the challan has been presented against the petitioner on 26.09.2019 and the charge has been framed on 20.01.2020, however, none out of 14 prosecution witnesses could be examined due to restrictive functioning of the Court.

I have considered the respective submissions of counsel for the parties.

Keeping in view the fact that the petitioner has been arraigned as an accused on the basis of his self incriminating statement, the legality of which is yet to be tested, the petitioner is suffering incarceration for the last

more than 02 years and 01 month and the trial is at its initial stage, this Court is prima facie of the view that the petitioner deserves to be released on bail during the pendency of the trial.

Without examining the merits or demerits of the arguments raised by counsel for the parties, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

While being released on bail, petitioner shall furnish an undertaking to the effect that henceforth, he will not get involved in any criminal activity and will cooperate with the trial Court for the early conclusion of the trial. In case, he violates the undertaking, liberty is granted to the State to seek cancellation of the bail.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

September 23, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No