

221

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

CRM-M No.30776 of 2021 (O&M)

Date of decision: 10.12.2021

Harpreet Singh @ Lucky

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. V.K. Sandhir, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.327 dated 09.11.2020, for offence punishable under Sections 379-B, 341, 34, 201, 411 of the Indian Penal Code (in short 'IPC') registered at Police Station Maqboolpura, Amritsar, District Amritsar.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of the complainant Pawan Kumar, on 09.11.2020, he was going towards the vegetable market and when he reached near a railway bridge, 03 young persons were standing on a motorcycle. They way-laid his scooter and stopped him and snatched his mobile phone and by taking the case of the scooter from the complainant also snatched Rs.32,000/- and a purse containing his Driving Licence. The complainant further stated that

since the persons were not having muffled faces, he can identify them.

Status report by way of affidavit of the SHO, Police Station Maqboolpura, Amritsar City, is on record in which after stating the facts, it is stated that on receiving a secret information, the co-accused Ankit was arrested and from him, the snatched mobile phone and the motorcycle was recovered. Thereafter, Ankit nominated 02 persons namely Sahil @ Turla and Sajan @ Thatha. It is further stated that the mobile phone was kept by him and the amount was distributed by 03 of them. Counsel for the State has also submitted that the petitioner was not named at the first instance in the disclosure statement of Ankit when the recovery was effected and the petitioner is nominated in this case only because he is involved in certain other cases. It is further submitted that as per the affidavit of the Investigating Officer, the complainant had identified Ankit as one of the assailant as well as the petitioner, when he was arrested, however, no recovery was effected from the petitioner and nothing has come in the disclosure statement that they have shared anything with the petitioner.

Counsel for the State has also submitted that the investigation is complete and challan stands presented before the trial Court.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 11 months; challan stands presented and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty

Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

10.12.2021
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No