

CRM-M-31705-2021

Date of Decision: 19.08.2021.

RAJESH KUMAR

...Petitioner

vs.

STATE OF PUNJAB

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Dilpreet Singh Gandhi, Advocate for the petitioner.

Mr. Sukhbeer Singh, Asstt. A.G., Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.91 dated 09.06.2019, registered under Section 379-B at Police Station Chhehatra, District Amritsar.
3. Learned counsel contends that the petitioner was arrested in the instant case on 26.05.2021, on the allegations of having snatched mobile phone from the complainant. Learned counsel contends that the petitioner is in custody since 26.05.2021, investigation is complete, recovery of the mobile phone has been effected, challan has been presented on 20.07.2021 and the case is now fixed for framing of charges on 14.09.2021, trial is likely to take considerable period of time, therefore, no useful purpose would be served by keeping the petitioner behind bars. Moreover, the petitioner undertakes to remain present on each and every date before the learned trial Court to face trial.

4. Learned AAG, Punjab, on instructions from ASI Sanjiv Kumar, confirms that the petitioner was arrested on 26.05.2021 and is in custody every since said date, investigation is complete, recovery of mobile phone has been effected, challan has been presented on 20.07.2021, and the case is now fixed for framing of charges on 14.09.2021. Learned AAG, Punjab, further confirms that although the petitioner was involved in a number of cases as per details given in the petition, yet he has been acquitted in the same and there is no pending case against the petitioner.

5. I have considered the submissions of learned counsel for the parties.

6. Without commenting upon the merits of the case, I am of the view that in view of investigation being complete, recovery of mobile phone having been effected, challan having been presented, petitioner being in custody since 26.05.2021 and case now fixed for framing of charges on 14.09.2021, there being no other case against the petitioner, no useful purpose would be served by keeping the petitioner behind bars. Accordingly, the present petition is allowed. Petitioner is ordered to be released on regular bail during the pendency of the trial on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court / Chief Judicial Magistrate/Duty Magistrate, provided he is not required in any other case. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, nothing stated

hereinabove shall be construed as an expression of opinion on the merits of the case.

7. Needless to mention, in case the petitioner is involved in any other case during the period while he is on regular bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case.

8. Petition disposed of in the aforementioned terms

(B.S. Walia)
Judge

19.08.2021
'Rajesh'

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