

215.

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

CRM-M-32071-2021

Date of Decision : August 16, 2021

MOHIT KUMAR ALIAS KAKU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kanwaljeet Singh Brar, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case FIR No.0009 dated 20.01.2021, under Section 379-B of Indian Penal Code, 1860 and Sections 34, 411 of Indian Penal Code, 1860 added later on registered at Police Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner has submitted that even as per the FIR which was lodged on the basis of statement of one Sukhdeep Singh, the complainant was doing the work of labour and when he was walking from Bathinda road and as he reached near the Heaven Palace, two boys came from backside on a motorcycle and snatched kit which contained Rs.2,000/- and some other documents. He has further submitted that the present FIR is a false and frivolous one and it was because of personal enmity between the complainant

and both the accused persons and that is why he has been involved

in the present FIR. He has further submitted that although the recovery of Rs.650/- was effected but there is nothing on record to show that the same formed a part of the alleged Rs.2,000/- amount of currency. The petitioner is in custody since 21.01.2021 and the investigation in the case is already complete and no recovery is to be effected from the petitioner. He has further submitted that the petitioner is also suffering from HIV (AIDS) infection and needs much better medical attention. He has further submitted that the other similarly situated co-accused namely Vijay Kumar @ Vijay has been granted bail by this Court vide Annexure P-2, dated 08.06.2021 and the petitioner is at parity with the aforesaid co-accused.

On the other hand, Mr. Randhir Singh Thind, learned DAG, Punjab, has submitted that it is correct that the petitioner is in custody since 21.01.2021 and the investigation of the case is already complete and no recovery is to be effected from the petitioner.

I have heard the learned counsel for the parties.

As per the learned counsel for the petitioner, the investigation of the case is already complete and challan has already been presented before the competent Court. The trial of the case would take some time. Furthermore, it is not the case of the State that in case the petitioner is released on bail, the petitioner may tamper with any evidence or may influence any witness or may flee from justice.

Therefore, without commenting anything on the merits of the case, considering the totality of circumstances in the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned 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 for the purpose of deciding the present petition only.

August 16, 2021
Ithlesh

(JASGURPREET SINGH PURI)
JUDGE

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