

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

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CRM-M No.40211-2020

Date of decision:24.02.2021

Shamsher Singh @ Shera @ Sonu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Gagandeep Singh Simble, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.147, dated 30.08.2020 registered under Section 379-B, 411, 34 of IPC, 1860 at Police Station Ranjit Avenue, Police District Commissionerate Amristar, District Amritsar.

Counsel for the petitioner submits that the FIR was registered on the complaint of one Shakti, wherein it was alleged that two unknown persons snatched his mobile phone when he was coming from D Block, Ranjit Avenue, Amritsar. Counsel submits that the petitioner was arrested 22 days later from his house and he was framed in the case as he

had been opposing the Sarpanch of the village in the Panchayat elections. Counsel contends that it is unbelievable that 22 days after the incident, the complainant managed to identify him. Still further, it is his submission that the petitioner was involved in another FIR with almost similar allegations which had been registered on 21.03.2020, that is 6 months prior to his arrest and the petitioner has been involved in both the cases due to village politics. He submits that investigation is complete; challan has been presented and the petitioner who is in custody since 23.09.2020 deserves to be enlarged on bail.

Opposing the petition, learned State counsel, upon instructions from SI Kulwinder Singh submits that the recovery of the mobile was effected from the petitioner and he has been duly identified by the complainant. Still further, by making reference to the affidavit of the Assistant Commissioner of Police, North, Amritsar City, State counsel submits that the petitioner is an habitual offender.

I have considered the rival submissions of the parties.

From the chronology of facts noticed above, the involvement of the petitioner in the offence is debatable.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegation, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on

furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

The petitioner will furnish an undertaking to the effect that henceforth he will not indulge in any criminal activity and in case he violates the undertaking, it will be open to the prosecution to seek cancellation of his 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.

24.02.2021

pooja saini

(SUVIR SEHGAL)

JUDGE

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