

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1231-2022 (O&M)
Date of Decision:-23.11.2022

Rohan Kapoor

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Ms. Swati Batra, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.361, dated 17.12.2020, Police Station Civil Lines, Amritsar, District Amritsar City, under Sections 379-B(2)/34 of Indian Penal Code.
2. Short reply by way of affidavit of Shri Surinder Singh, PPS, Superintendent, Central Jail Amritsar has been filed by learned State counsel, which is taken on record.
3. The FIR was lodged at the instance of Vishva Mitter, wherein it is alleged that on 16.12.2020, when he was returning home on his Activa Scooter, then 3 young clean shaven persons waylaid him and snatched an amount of Rs.8,200/-, his mobile phone and ATM card and also took away his Activa Scooter.

4. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of his own disclosure statement when he came to be arrested in connection with another case.
5. Opposing the petition, learned State counsel has submitted that the petitioner happens to be involved in 5 more cases and as such, it is evident that he is a habitual offender. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 6 months. It has also been informed that as on date charges have not been framed and as many as 12 PWs have been cited.
6. This Court has considered the rival submissions.
7. Having regard to the facts and circumstances of the case and while also noticing that the petitioner has been behind bars for a substantial period of 1 year & 6 months and the trial has not even commenced till date as charges are yet to be framed, further detention of the petitioner will not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.11.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No