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

**CRM-M-1226-2022
Date of Decision: 06.04.2022**

Shan Babu @ Shan Mohammad

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mohit Vashishat, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.186 dated 29.10.2021, under Sections 379-B(2), 379 & 411 of the IPC and later on added Sections 24, 54 & 59 of the Arms Act, registered at Police Station Dehlon, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner is in custody, since 11.11.2021 and after the completion of investigation of the case, the Police has already presented the Challan under Section 173 of the Cr.P.C before the competent Court. He further submitted that it is a case where the petitioner has been falsely implicated in the present case. He also submitted that the petitioner was not named in the FIR

but later on his name was falsely implicated. He further submitted that the present FIR is of dated 29.10.2021 and at that point of time, the petitioner was already in custody in an earlier FIR No.64 dated 03.04.2021, under Section 379-B(2) of the IPC registered at Police Station Dehlon, Ludhiana on the basis of the allegation that he had snatched one revolver from one Harinder Singh. He also submitted that in that aforesaid FIR, the petitioner has since been acquitted and so far as the alleged role of the petitioner in the present case is that he has purchased the snatched mobile phone from the co-accused for Rs.1500/- and there is no direct role attributable to the petitioner with regard to the incident of snatching. He further submitted that in view of the aforesaid circumstances, the petitioner is entitled for the grant of regular bail and he is not involved in any other case, apart from the aforesaid FIR No.64 in which he has since been acquitted.

On the other hand, Mr. R.S. Thind, learned Deputy Advocate General, Punjab, has submitted that it is correct that the petitioner is in custody since 11.11.2021 and after the completion of investigation of the case, the Police has already presented the Challan under Section 173 of the Cr.P.C before the competent Court. He further submitted that since the offence involved in the present case was snatching of mobile phones which is recurrent these days, the petitioner may not be granted concession of regular bail.

I have heard the learned counsel for the parties.

In the present case, the petitioner is in custody since 11.11.2021 and the investigation of the present case has already been completed. At the time of the occurrence and lodging of the FIR of the present case, the

petitioner was already in custody in another case i.e. FIR No.64 dated 03.04.2021, under Section 379-B(2) of the IPC registered at Police Station Dehlon, Ludhiana and the petitioner has since been acquitted in that case. The only role of the petitioner in the present case as per the prosecution was that he had purchased one snatched mobile phone from the other co-accused for Rs.1500/-. Since the investigation of the case has already been completed and no further recovery is to be effected from the petitioner and the trial of the case may take long time. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may abscond or flee from justice, therefore, considering the totality of the circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.04.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |