

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

CRM-M-1562-2022

Date of decision: 18.01.2022

Pargat Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ritesh Pandey, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 167, dated 02.09.2021, under Sections 379-B, 341, 323, 148 and 149 IPC, registered at Police Station Sujampur, District Pathankot.

Complainant-Vishal Sharma stating that on 31.08.2021, he was attacked by the four occupants of a Bolero. The driver remained in the car, Rs.40,000/-, one gold kara weighing five tola, one rado watch were snatched. He further submits that he later came to know that three persons were Satwant Singh @ Moti, Sukhdev Singh @ Sukha and Vinod Sharma @ Loddy. Pargat Singh-petitioner was nominated during investigation. In the inquiry held Vinod Sharma @ Loddy and Satwant Singh @ Moti were found innocent. It was found that allegations of snatching five tola kara and one rado watch were incorrect.

Learned counsel for the petitioner submits that it is a case of a false implication. Petitioner was not named in the FIR. Petitioner is in custody since 26.10.2021 and no recovery was made from him. The injuries sustained by the complainant was declared simple and petitioner is not involved in any other case.

Learned State counsel on instructions from ASI Mahesh Kumar opposes the prayer for grant of bail. He submits that base ball bat was recovered from the petitioner and he was in active participation with the other co-accused in inflicting injuries. He further submits that challan stands presented.

Without commenting upon the merits of the case, considering the nature of the allegations, role attributed to the petitioner, no recovery was made from him, he has no criminal antecedents and the fact that conclusion of the trial is likely to take time, petitioner is granted bail, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

18th January, 2022

Parveen Sharma

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