

235

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

CRM-M No.5839 of 2022 (O&M)

Date of decision: 23.08.2022

Sunil Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Goldy Jakhar, Advocate
for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.105 dated 24.05.2021, for offence punishable under Sections 379-B, 34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City-1, Abohar, District Fazilka.

The earlier one was dismissed as withdrawn on 04.10.2021.

Counsel for the petitioner has argued that the new ground for filing this petition is that the petitioner is in custody for the last 01 year 02 months and 26 days and only 01 PW has been examined so far and the petitioner is not involved in any other case of similar nature.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Vikram Singh, while he was going on his motorcycle, 02 boys came with muffled faces on another motorcycle and snatched his Samsung mobile phone and in the cover of the mobile phone, he has kept Rs.5,500/-. It is further submitted that as per the averments in the FIR itself, it is stated that the accused were having muffled faces and therefore, it will be a matter of trial whether they have been properly identified or not in the present

case. It is also argued that the custody of the petitioner is more than 01 year 02 months and 26 days and it will take long time in conclusion of the trial.

Counsel for the State, on instructions from ASI Bahadur Singh and on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year 02 months and 26 days; the petitioner is not involved in any other case of similar nature; the custodial interrogation of the petitioner is not required; only one PW has been examined so far and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

23.08.2022
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No