

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6124-2022
Date of Decision: 19.04.2022

Mohd. Nashim

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Mannat Anand, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

JASJIT SINGH BEDI, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.215 dated 18.12.2021, registered under Sections 379-B and 34 IPC at Police Station Daresi, District Ludhiana.

The prosecution case in brief is that the statement of Allaudin was recorded to the effect that he was a worker in the factory of one Sunny Jain. On 18.12.2021, while he was on his way from the factory to his home at about 08.00 PM, two boys came from behind on a motorcycle bearing registration No.PB-10HK-0423 and snatched his phone and were about to flee when the people around gathered and caught hold of the two boys. Later on the identity of the two boys was known to be Mohd. Nashim son of Mohd. Hussain (the present petitioner) and his co-accused Krishan Kumar.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he has been in custody since 18.12.2021. The investigation already stands completed and as many as 12 witnesses are yet to be examined due to which the trial is not likely to be concluded soon. He, thus, prays for the grant of regular bail given the fact that the petitioner is a young boy of 22 years age.

On the other hand, the learned State counsel vehemently opposes the bail application and submits that the petitioner was apprehended at the spot by the public along with his co-accused and as many as 08 mobile phones of different companies were also recovered from him and from his co-accused. Therefore, there was a possibility of the petitioner intimidating the complainant and tampering with the evidence.

I have heard the rival contentions of both the parties.

The petitioner is a young boy of 22 years age and has been in custody since 18.12.2021. The report under Section 173 Cr.P.C. was submitted on 15.02.2022 and as many as 12 witnesses are yet to be examined. So far as the recovery of the phones are concerned, it would be a moot point during trial as to whether the said recovery could be connected to any offence committed by the petitioner.

The trial is not likely to be concluded in the near future. As such, the further incarceration of the petitioner is thus not required.

Keeping in view the facts and circumstances of the present case and the fact that the petitioner is in custody since 18.12.2021 and the

the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

19.04.2022
JITESH

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