

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7397-2022 (O & M)

Date of decision:13.09.2022

Rohit Rai Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sandeep Wadhawan, Advocate, for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in a case FIR No.157 dated 25.11.2021 under Sections 379-B/411 IPC at Police Station Navi Baradari, Police Commissionerate, Jalandhar.

2. The brief facts of the case are that while police party was on patrolling duty, they received an information that one Bhupnder Singh @ Bablu and Rohit Rai (the present petitioner) were involved in snatching offences using their motorcycle bearing No.PB08-DZ-8150 Hero Splendor colour Silver and commit snatching in the K-Area and they were going to sell the snatched mobile phones in heavy quantity. In case, a *nakabandi* was conducted, then the snatched mobile phones could be recovered.

3. The learned counsel for the petitioner contends that pursuant to the registration of the FIR, the petitioner and his co-accused were said to have been intercepted and three mobile phones were recovered from the

petitioner and his co-accused. He contends that the recovery has been foisted upon the petitioner and his co-accused and, in fact, they have been falsely implicated as the police had failed to collect any evidence of snatching attributed to the petitioner. In fact, there was no complaint of any person that the petitioner or his co-accused had snatched the mobile phones purportedly recovered from them. He contends that the petitioner is in custody since 25.11.2021. Challan stands submitted and since none of the 11 prosecution witnesses have been examined till date, the trial in the case is not likely to be concluded in the near future. Therefore, the further incarceration of the petitioner is not required.

The learned counsel for the State, has placed on record the custody certificate dated 12.09.2022 and the same is taken on record. He contends that the petitioner alongwith his co-accused were arrested and mobile phones were recovered from their possession. The petitioner is involved in one other FIR No.146 dated 07.11.2021 under Section 379-B IPC, registered at Police Station Navi Baradari, Jalandhar. Therefore, in view of the criminal antecedents of the petitioner, he does not deserve the concession of bail. He, however, does not dispute the period of custody undergone by the petitioner.

I have heard the learned counsel for the parties.

Admittedly, the petitioner is in custody since 25.11.2021. None of the 11 prosecution witnesses have been examined so far. Therefore, the trial is not likely to be concluded in the near future. In such a situation, the further incarceration of the petitioner is not required.

In view of the aforementioned facts without commenting upon the merits of the case, the present petition is allowed and the petitioner,

namely, Rohit Rai is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the cases referred to hereinabove.

If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

(JASJIT SINGH BEDI)
JUDGE

September 13, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No