

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

219

CRM-M-13962-2022 (O&M)

Date of decision: 14.07.2022

SUNNY

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Kulwant Singh, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.23 dated 30.01.2022 under Sections 379-B, 411 and 34 of the Indian Penal Code, 1860 registered at Police Station Focal Point, Ludhiana.

As per version of the prosecution case, the FIR has been registered on the basis of statement of complainant Bamdev, wherein it has been alleged that the complainant is working as a night-watchman in Star Kotax Factory situated at Uchhi Mangli, Ludhiana. On 30.01.2022, the complainant along with his family came to New Vishavkarma Colony from Uchhi Mangli in order to get the vaccination against Covid-19. At about 01.30 PM, after getting themselves vaccinated, they boarded an e-rickshaw and reached at Gol Market Cut, Near Thukral Cosmetic Shop. In the meantime, two persons came from behind on motorcycle bearing no. PB-10-EB-7494 make Hero Honda of black colour and they forcibly snatched mobile phone make Redmi Note-10 S of white colour containing SIM No. 90561-80831 of Airtel company from the complainant. On this, the complainant raised alarm, due to which, several people gathered at the spot and the complainant came to know the names of the assailants as Sunny son

of Ram Surat Singh resident of Village Karoli Bazaar, P.S. Hata, District Khushi Nagar, UP at present resident of Sardar Da Vehra, Near Lucky Model School, Sherpur Kalan, Ludhiana and Mohd. Safaid Ali son of Mohd. Jamil resident of Village Khola Parshod, P.S. Katra, District Muzafarnagar, Bihar at present resident of Street No.2, Main Market, Sherpur Kalan, Ludhiana.

Learned counsel for the petitioner argues that the petitioner was arrested in the case on 30.01.2022 and is in judicial custody since 01.02.2022. The petitioner has already undergone custody of 05 months and 12 days. It is contended that the recovery in question already stands effected and that the final report has been filed although charge has not been framed so far. He contends that the petitioner is a young boy of 19 years and is not involved in any other criminal case and does not have any criminal antecedents.

Learned State counsel contends that recovery of the mobile phone that had been snatched from the complainant had been effected from the petitioner along with motorcycle on which he was riding. It is however not disputed that the petitioner does not have any criminal antecedents and that charge in the case has not yet been framed so far.

I have heard learned counsel for the parties and have perused the material on record.

Taking into consideration the period of custody already undergone by the petitioner, stage of trial and also the clean antecedents of the petitioner, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

July 14, 2022

S.Sharma(syr)

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