

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

206

CRM-M-17676-2022

Date of Decision: August 25, 2022

GOBIND KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Ms. Neetu Singh Aashat, Advocate
for the petitioner.

Mr. J. S. Mehndiratta, Additional AG, Punjab.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.328 dated 17.11.2021 under Sections 379-B/411/34 IPC, registered at Police Station Focal Point, District Ludhiana.

Learned counsel for the petitioner submits that though the petitioner has been named in the FIR but as per the same, the main accused is Amarjit Kumar, who is alleged to have snatched a mobile phone from the complainant and he was accompanied by two other men. She further submits that the said mobile has already been recovered. She further submits that the petitioner has been in custody for the last nine months and seven days. The petitioner is a young boy aged 18 years and is a first offender, as there is no other case registered against him.

Learned State counsel opposes the prayer for grant of regular bail to the petitioner. However, he affirms the factum of recovery of mobile phone as also the petitioner being about 18 years of age. Learned counsel has also produced the custody certificate dated 03.05.2022, which is taken on record. As per the said custody certificate, petitioner has been in custody for the last 09 months. He further states that charges have been framed in the case on 25.02.2022 and there are ten witnesses, none of whom has yet been examined.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case and the fact that the alleged mobile phone has already been recovered, the petitioner is in custody for the last 9 months; the trial is yet to commence as out of ten prosecution witnesses none has been examined so far, as also the fact that the petitioner is stated to be not involved in any other case, his further detention behind the bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

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

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the above observations, which have only been made for the purpose of adjudicating the present petition for grant of bail.

August 25, 2022

rimpal

(AMAN CHAUDHARY)**JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No