

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

CRM-M-19106-2022

Date of Decision:-12.05.2022

Gurmej Singh @ Gurmail Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Harleen Ahluwalia, Advocate for
Mr. Brijeshwar Singh Bhalla, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.58 dated 23.03.2022 under Sections 379-B (Later on added Section 411) IPC registered at Police Station Chheharta, District Police Commissionerate Amritsar.

The brief facts of the case are that statement of Rajpal Kaur wife of Jaswant Singh was recorded that she and her husband were coming on their Activa from the house of their relatives to India Gate Bye-pass and when they reached near CP Gate NO.3 then one Sikh person came from behind on a motor cycle who had tied a *parna* on his head and his face was also covered by a white *parna*. He snatched her gold ear ring from her left ear. When she and her husband raised an alarm the said boy went away on

his motor cycle which due to high speed hit another motor cycle and he fell down. The said person was arrested at the spot and the gold ear ring was recovered from his right pocket.

The Counsel for the petitioner contends that the allegations that the applicant was arrested by the police at the spot and the motor cycle used for committing the offence was taken into police possession is false. He also contends that recovery of ear rings has been foisted upon him and infact no such occurrence has taken place. The petitioner is in custody since 23.03.2022 and the challan already stands presented. As many as 13 prosecution witnesses are cited in the list of witnesses out of whom none has been examined till date. He thus prays for the grant of regular bail.

The Counsel for the State on the other hand contends that this is a serious offence and the applicant having been arrested at the spot and the snatched article having been recovered clearly establishes that the petitioner had committed the offence. Therefore, the petitioner did not deserve the concession of regular bail.

I have heard learned Counsel for the parties.

Admittedly, the petitioner is in custody since 23.03.2022 and the challan in the present case already stands filed. As many as 13 prosecution witnesses are yet to be examined and none of whom have been examined till date. Therefore, the trial in the present case is not likely to conclude any time soon.

In view of the aforesaid facts, the further incarceration of the petitioner is not required. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner **Gurmej @ Gurmail Singh** son of Sh. Beer Singh is ordered to be released on bail subject to the

satisfaction of learned CJM/Duty Magistrate, concerned.

If the petitioner indulges in a similar offence for which he is currently charged, the State would be at liberty to move an application for cancellation of bail.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 12, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>