

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

220

CRM-M-20665-2022 (O&M)

Date of Decision: 10.11.2022

AMRO BAI

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. RS Bhatta, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

With no objection from the earlier counsel, Mr. RS Bhatta, Advocate has filed a fresh power of attorney on behalf of the petitioner.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.35 dated 29.03.2022, registered at Police Station City Jalalabad, District Fazilka, under Sections 379-B, 384, 389 and 120-B IPC.

Learned counsel for the petitioner submits that though, as per the contents of the FIR, the alleged occurrence took place on 23.03.2022 near Police Station, yet there is an unexplained delay of 6 days in lodging the present FIR; that the petitioner has been in custody since 29.03.2022 and that as far as FIR No.43 dated 03.04.2022 under Sections 376-D, 342 and 120-B IPC, registered at Police Station Mamdot, District Ferozepur, is concerned, the same was registered when the petitioner was already behind the bars.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he was the member of the gang, which is operating in the area and that the petitioner along with the co-accused had snatched mobile phone, wallet and blank cheques from the complainant. He further submits that the petitioner along with the co-accused used to threaten the complainant to rope him in a false rape case and that the prosecution evidence is yet to conclude.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 29.03.2022. As far as FIR No.43 dated 03.04.2022 is concerned, the same was registered when the petitioner was in custody. Though the occurrence took place near the Police Station, yet there is a delay of 6 days in lodging the FIR. Prosecution evidence is yet to conclude. In such circumstance, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10.11.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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