

CRM-M-22018-2022

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

CRM-M-22018-2022

Date of decision: 02.06.2022

Mohammed Sharukh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mohd. Yousaf, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition (the first having been dismissed as withdrawn with liberty to file a fresh one with better particulars), the petitioner seeks regular bail in case FIR No.205 dated 26.09.2021, registered at Police Station Tibba, District Ludhiana, under Section 379-B (2) IPC and Sections 411, 201 and 120-B IPC (added later on).

Status report dated 01.06.2022, by way of affidavit of the Assistant Commissioner of Police (East), Ludhiana, filed in the Court today, is taken on record.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR; that it was only after three months of the alleged occurrence, the petitioner was arrested in the present case; that recovery of case property has been planted upon the petitioner; that at any stage, no snatching had been committed by the petitioner; that so far as the injuries

on the person of the complainant, are concerned, he was not medico-legally

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examined, and that the petitioner has been in custody since 22.12.2021. On this premise, learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith the co-accused had inflicted injuries on the person of the complainant. He further submits that recovery of Rs.5,000/- and four bills belonging to the flour mill of the complainant, had been effected from the petitioner.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR. He was arrested after three months of the registration of the FIR. The recovery has since been effected from him.

The challan stands presented. The petitioner has been in custody since 22.12.2021. Out of 12 prosecution witnesses, only 01 witness has been examined. Trial is unlikely to conclude any time soon. There is no other case registered or pending against the petitioner. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, 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 and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

02.06.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No