

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

CRM-M-33964-2022 (O&M)

Date of decision: 27.10.2022

Alambir Singh @ Alam

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. S. S. Goripuria, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 138 dated 22.12.2020, registered under Sections 379-B/34 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Chohla Sahib, District Tarn Taran.

The first petition, bearing CRM-M-16696-2021, was dismissed as withdrawn on 08.11.2021.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that after the dismissal of the first petition, a period of about one year has lapsed, however, till date no prosecution witness has been examined.

Learned counsel for the petitioner further submits that as per allegations in the FIR, on 22.12.2020, complainant Jagdeep Singh made a complaint that he was going after collecting some amount of installments and when he reached near a bridge, three persons riding on a motorcycle,

came and asked him to give everything. In that process, the accused persons snatched complainant's mobile phone and an amount of Rs. 33,150/-.

Learned counsel for the petitioner further submits that the petitioner was arrested on 31.12.2020, without there being any direct evidence as he was not named in the FIR and as per complainant's version, the accused persons, who robbed him, were having muffled face, therefore, it will be a matter of trial whether the identity of the petitioner is proved or not.

Learned State counsel has filed the custody certificate, which reflects that the petitioner is in judicial custody for the last 01 year, 09 months and 23 days. Learned State counsel, on instructions from ASI Hardial Singh, submits that as on today, no prosecution witness has been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in long judicial custody and conclusion of trial is likely to take a long time as no prosecution witness has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

27.10.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No