

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

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CRM-M-26125-2022

Date of Decision : July 11, 2022

HARDEEP KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Dinesh Nagar, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.40 dated 21.4.2022 under Section 379-B IPC, registered at Police Station Chabbewal, District Hoshiarpur.

It been submitted by the petitioner is in custody from 21.4.2022 and the investigation of the case has been completed and challan has been presented before the competent Court. He submitted that in the present case, the petitioner has been falsely implicated and he is not involved in any other case and, therefore, he may be considered for the grant of regular bail. He further submitted that the co-accused have already been granted bail.

On the other hand, the learned State counsel on instructions from ASI Tejinder Singh has stated that it is a case where three persons including the petitioner came on motor cycle and snatched mobile phone, Rs.810/- and one Aadhar card from the complainant and thereafter the motor cycle fell down on the road and they started running away but after few meters the two persons were apprehended including the petitioner, namely, Hardeep Kumar. He submitted that the third person was arrested

later on and so far as the bail granted to the two other co-accused is concerned, they were granted bail as they were juvenile. He further submitted that the complainant or any other eye-witness has not been examined as yet and charges have not been framed and there is a reasonable apprehension that in case the petitioner is released on bail then he may influence the witnesses and since especially because the identification is yet to be made.

I have heard the learned counsels for the parties.

The petitioner is in custody from 21.4.2022 and the investigation of the case has been completed. The subject matter of the FIR pertains to snatching of mobile phone and other articles from the complainant and as per the learned State counsel the petitioner was caught on the spot when he tried to run away. The other two co-accused were juvenile and as per the learned State counsel they were granted bail. No witness has been examined till date. The apprehension expressed by the learned State counsel that in case the petitioner is released on bail then he may be influence the witnesses since the identification is yet to be done cannot be ignored.

In view of the aforesaid facts and circumstances, this Court is of the view that the petitioner is not entitled for the grant of regular bail.

Therefore, finding no merit in the present petition, the same is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 11, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No