

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28319-2022 (O&M)
Date of Decision:-11.11.2022

Rohit Rai

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Giri, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Balkar Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.146, dated 7.11.2021, Police Station Navi Baradari, Police Commissionerate, District Jalandhar, under Section 379-B of Indian Penal Code.
2. The FIR was lodged at the instance of Jaman Sahni, wherein it is alleged that on 7.11.2021 at about 07:15 p.m. two boys came to his shop and inquired about the rate of fish and later started arguing with him. It is further alleged that the said boys snatched the fish cutter from him and hit him on his head and snatched an amount of Rs.4,000/- and ran away from the spot.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that no injury whatsoever was found on the person of the complainant. It has been submitted that since the petitioner has been behind bars since the last more than 11 months and the trial is proceeding at snail's pace, the petitioner deserves the concession of grant of

bail. It has further been submitted that the petitioner is not named in the FIR and came to be nominated on the basis of disclosure statement allegedly made by petitioner himself when he came to be arrested in connection with some other case.

4. Opposing the petition, learned State counsel has submitted that since it is a case where the petitioner himself has admitted his involvement in the present case, no case for grant of bail is made out. It has been informed that the petitioner has been behind bars since the last more than 11 months and that only 1 PW out of the cited 8 PWs has been examined. It has also been informed that apart from the present case, the petitioner happens to be involved in one more case registered for offence punishable under Section 379-B of Indian Penal Code.
5. This Court has considered the rival submissions.
6. It is not in dispute that the petitioner is not named in the FIR and has been nominated on the basis of his own disclosure statement. The petitioner has been behind bars since the last more than 11 months. Conclusion of trial is likely to consume time as only 1 PW out of the cited 8 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.11.2022

pankaj

Whether speaking /reasoned
Whether Reportable

**(Gurvinder Singh Gill)
Judge**

Yes / No
Yes / No