

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

CRM-M-29910-2022 (O & M)

Date of decision: 18.08.2022

Partap Kumar

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. B.D. Sharma, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.95 dated 26.05.2022 under Sections 379-B, 34 IPC wherein offences under Sections 379-B, 34 IPC were deleted and Sections 407, 182, 195 IPC were added later on, registered with Police Station Bhargo Camp, Jalandhar.

2. The present FIR came to be registered at the instance of the petitioner-Partap Kumar, who stated that on 26.05.2022, while he was going on his Activa Scooter bearing No.PB08-DX-3126 to collect cash, then at about 2/2.30 p.m., when he reached near the cremation ground of Jaina Nagar, Jalandhar, three youths came from his back with muffled faces on a motorcycle make Platina and snatched cash worth Rs.70,000/- and mobile phone make Vivo and another phone make Honor bearing SIM No.90417-17114 on the pointing of a pistol and thereafter, fled away from the place of

During the course of investigation, when the petitioner was questioned, it transpired that, in fact, he had mooted the aforesaid plan regarding snatching. Consequently, he was nominated as an accused in this case.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The allegations levelled by the investigating agency are yet to be established. His alleged disclosure statement is inadmissible in evidence. Even otherwise, the petitioner is in custody since 27.05.2022, the investigation stands completed and since none of the prosecution witnesses has been examined so far, the trial is not likely to be concluded in the near future, entitling him to the grant of regular bail.

4. The learned counsel for the State, on the other hand, contends that the petitioner was initially the complainant. During the course of the investigation, it was revealed that, in fact, he had fabricated the entire story, and has therefore been rightly nominated as an accused. Rs.69,000/- has been recovered from him. He, thus, contends that the petitioner is not entitled to the grant of regular bail.

5. I have heard the learned counsel for the petitioner.

6. Admittedly, the petitioner is a first-time offender. He is in custody since 27.05.2022 and the investigation stands completed. However, none of the prosecution witnesses has been examined so far. Therefore, the trial of the case is not likely to be concluded in the near future and, as such, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Partap Kumar, is

ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

August 18, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No