

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

237

CRM-M-32723-2022

Date of Decision: 02.08.2022

Satnam Singh @ Sata

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vinod K. Kaushal, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Ranjit Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.98 dated 24.03.2022 at Police Station Maqboolpura, Police Commissionerate Amritsar, Amritsar, under Sections 379B/34 IPC (Sub Section (2) of Section 379B IPC added later on).
2. The FIR was lodged at the instance of Shivraj Singh, wherein it has been alleged that on 24.03.2022, when he was proceedings towards his home after attending his classes, then 2 persons riding a motor-cycle came and the pillion rider snatched his phone and drove away the motor-cycle.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and in fact he is nowhere named in the FIR and has been nominated as an accused, when he came to be arrested in

connection with another case on 02.05.2022 and when it is alleged that he suffered a disclosure statement regarding his involvement in the present case. It has been submitted that such like disclosure statement virtually amounts to confession while in custody and would not be admissible in evidence and in the absence of any credible evidence to connect him with the alleged occurrence, he deserves the concession of regular bail.

4. Opposing the petition, learned State counsel has submitted that since the phone belonging to the complainant was recovered from the petitioner, his complicity is clearly evident in the matter. It has also been submitted that the petitioner happens to be involved in 1 more case under Section 379 IPC, therefore, it is apparent that the petitioner is a habitual offender. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last 3 months and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. The recovery of the mobile phone even after 1 ½ month is rather unusual as any such person would have sold off and disposed off a mobile after snatching the same. In any case, without expressing any further on the merits of the case, but while noticing that the petitioner has been behind bars for the last about 3 months and trial is yet to commence, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

02.08.2022
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No