

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-33952-2022

Date of Decision: 8.8.2022

Rahul Kumar @ Labhi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amandeep Singh Gulati, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.72 dated 27.5.2022 registered for the offences punishable under Sections 379-B IPC (Section 411 IPC added later on) at Police Station Sadar Jalalabad, District Fazilka.

Notice of motion.

Ms. Samina Dhir, DAG, Punjab accepts notice on behalf of the State and has furnished the custody certificate, as per which, the petitioner is in custody for the last more than 2 months.

As per allegations recorded in the FIR, the police received secret information that the petitioner and co-accused Mangal Singh @ Manga, Deepak Kumar alias Dhobi and Arjan Kumar were involved in committing snatching of mobile phones and even on that day, they were present in the area of Bus Stand Sohna Sandar with an intention to commit

snatching and that if raid is conducted, they could be apprehended. *Ruqa* was sent to the police station and raid was conducted and the petitioner was apprehended along with his companions and two stolen Vivo mobile phones and one motorcycle Hero Honda were recovered from their possession. Admittedly, co-accused Mangal Singh @ Manga and Gurpreet Singh @ Gora have already been given benefit of bail by the Court of Additional Sessions Judge, Fazilka vide orders Annexures P-3 and P-4 respectively. It is a moot point as to whether any offence under Section 379-B is made out against the accused persons. Recoveries are already effected in this case.

It will take time for completion of investigation. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

August 8, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No