

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-34458-2022

Date of Decision: 6.12.2022

Ajay Pal Singh @ Ajay

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mohit Kumar, Advocate, for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.251 dated 13.11.2021 registered for the offences punishable under Sections 379-B, 411 IPC (Section 34 IPC added later on) at Police Station A Division, Amritsar.

Counsel for the petitioner submits that FIR in this case was registered against two unknown persons relating to snatching of one mobile phone and that the petitioner is in custody for the last more than one year and that the trial is not progressing ahead and till date, no prosecution witness is examined. He further submits that similarly situated co-accused Jodhbir Singh is given benefit of regular bail by the trial Court and that no purpose is going to be served by keeping the petitioner in custody for any longer period.

State counsel on instructions from ASI Paramjit Singh has admitted that in the present case, FIR was registered against two unknown

persons who snatched mobile phone belonging to the complainant and further that the petitioner was arrested in this case on 14.11.2021 and since then, he is in custody and further more, till date, no witness has been examined on behalf of the prosecution during the trial.

I have considered the submissions made by the counsel for the parties.

Admittedly, FIR in this case was registered against two unidentified persons who snatched mobile phone from the complainant and after registration of the FIR, the present petitioner was arrested on 14.11.2021. After completion of investigation, the police has presented the challan but the trial is not progressing further as till date, the prosecution failed to examine any witness. The alleged recovery has already been effected in this case and the petitioner is presently lodged in judicial custody.

Taking into consideration the fact that the petitioner is already incarcerated for the last more than one year and his co-accused has been granted regular bail by the trial Court, no fruitful purpose is going to be served by prolonging the judicial custody of the petitioner.

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

December 6, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No