

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CRM-M-37068-2022

Date of decision : 26.08.2022

Harpreet Singh @ Babbu

... Petitioner

Versus

State of Punjab

... Respondent

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr. Rishu Mahajan, Advocate  
for the petitioner.

Mr.M.S.Bajwa, DAG, Punjab.

**VIKAS BAHL, J.(ORAL)**

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.184 dated 09.07.2021 registered under Sections 379-B, 411, 34 IPC at Police Station Maqboolpura, District Amritsar City.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 10.07.2021 and the investigation is complete and the challan has already been presented and there are 18 witnesses and out of which, 3 witnesses have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that the petitioner was not named in the FIR and even as per the prosecution case, two persons who had snatched the mobile phone from the complainant were Varinder Singh and Davinder Singh and it is the said Varinder Singh on whose disclosure statement, the petitioner has

by Varinder Singh and Davinder Singh to the present petitioner and thereafter recovery of the mobile phone has been effected from the present petitioner. It is further submitted that the case against the present petitioner at best could be under Section 411 IPC. It is further stated that Varinder Singh has already been granted regular bail by this Court vide order dated 04.07.2022 passed in CRM-M-25399-2022.

Learned State counsel, on the other hand, has opposed the present petition for regular bail but has not disputed the facts as stated by learned counsel for the petitioner.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 10.07.2021 and the investigation is complete and the challan has already been presented and there are 18 witnesses and out of which, 3 witnesses have been examined and thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. As per the prosecution case, it is Varinder Singh and Davinder Singh who had snatched the mobile phone from the complainant and the petitioner has been implicated on the basis of disclosure statement of Varinder Singh to the effect that they had sold the mobile phone to the present petitioner. The argument of learned counsel for the petitioner to the effect that at best the petitioner could be implicated under Section 411 IPC, cannot be outrightly rejected and the said aspect would be finally adjudicated by the trial Court. The recovery of mobile phone has already been effected. Co-accused Varinder Singh has already been granted regular bail by this Court vide order dated 04.07.2022 passed in CRM-M-25399-2022.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)  
JUDGE

August 26, 2022  
*Davinder Kumar*

|                             |        |
|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |