

[137] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40783-2021
Date of Decision: 03.03.2022

Abhishek ...Petitioner

versus

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Vinod Kumar, Advocate for the petitioner.
Mr. Aditya Sharda, Asstt. A.G., Punjab.

B.S. Walia, J. (Oral)

[1] Prayer in the second petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.96 dated 01.06.2021, registered under Sections 379-B/411 IPC, 1860 at Police Station Mukerian, District Hoshiarpur, CRM-M No.28291 of 2021 filed earlier having been got dismissed as withdrawn with liberty to take out appropriate proceedings, in accordance with law.

[2] Learned counsel contends that FIR was registered on the statement of complainant that at about 2.00 PM on 31.05.2021 when he had gone for taking lunch and had reached near Paramhans Road, three boys came on a scooter from link road side and snatched mobile phone Make Mi from his hands while one boy took out Rs.600/- from his shirt pocket and later on he came to know that the petitioner and Akashdip @ Kashu and one unknown person had snatched his mobile phone and money.

[3] Learned counsel contends that the petitioner was arrested on 01.06.2021 and is in judicial custody ever since said date, challan has been presented, charges have been framed and out of 06 prosecution witnesses,

none has been examined, trial is likely to take considerable period of time, therefore, no useful purpose would be served by keeping the petitioner behind bars, besides the petitioner is a young man.

[4] Learned counsel has also relied upon bail granted to co-accused Akashdip @ Kashu.

[5] *Per contra*, learned State Counsel, while confirming that the petitioner has in fact been in custody since 01.06.2021 and that no prosecution witness has been examined, contends that another FIR under Section 302 stands registered against the petitioner.

[6] However, learned counsel for the petitioner states that the petitioner was granted pre-arrest bail in case FIR No.69 dated 19.06.2019 registered under Sections 302, 148, 149 and 120-B IPC at Police Station Mukerian, Hoshiarpur.

[7] I have considered the submissions of learned counsel.

[8] Admittedly, the petitioner is a young man who was 19 years of age at the time of the incident. He has been in custody since 01.06.2021. Challan has been presented, charges have been framed but not even a single prosecution witness has been examined. Consequently, trial is likely to take considerable period of time.

[9] In view of the position noted above but without expressing any opinion with regard to the merits of the case, the petition for regular bail is *allowed* and the petitioner is ordered to be released on regular bail during the pendency of the trial, subject to his furnishing bail / surety bonds to the satisfaction of the learned CJM / Trial Court / Duty Magistrate, concerned,

by the conditions contained in Section 437(3) Cr.P.C. It is made clear that in case of violation of any of the conditions contained under Section 437(3) Cr.P.C., prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[10] Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

03.03.2022
'Rajneesh'

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>