

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-38560-2022

Date of Decision:-01.09.2022

Babandeep Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amit Kumar Walia, Advocate for the Petitioner.

Mr. Hakam Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.101 dated 24.5.2022 under Sections 379-B, 34 IPC and Section 411 and 201 IPC added later on registered at Police Station City Sunam, District Sangrur.

2. The brief facts of the case are that the statement of Harnek Singh was recorded to the effect that he was an agriculturist and sold vegetables near the vegetable market. On 17.05.2022 he was coming on his motorcycle attached with cart bearing registration number PB-65D-7081 towards his house and the proceeds of the sale of vegetables amounting to Rs.6280/- was in a wallet in the upper pocket of his shirt. At about 9.30 pm a motor cycle came from his back side on which three persons were travelling. Two of them had covered their faces with cloth but the third one

did not. One of the two persons caught hold of him and the other snatched Rs.6280/- from the pocket of his shirt. Later on, on inquiry it transpired that the persons were Babandeep Singh (petitioner), Dev Ram and Gagan @ Karan. Dev Ram and Gagan caught hold of him and Babandeep Singh had snatched the money.

3. The Counsel of the petitioner contends that the petitioner is not named in the FIR. The allegations in the FIR are baseless and it does not stand to reason that the petitioner after a few days of the occurrence suddenly came to know the names of the accused. In fact there was a delay of 07 days in filing of complaint which led to the registration of FIR. He contends that the investigation is complete, challan submitted, but none of the 08 prosecution witnesses have been examined so far. Therefore, the further incarceration of the petitioner is not required as he is in custody since 24.5.2022 and there is no other case pending against him.

4. The Counsel for the State on the other hand has vehemently opposed the bail application and submits that the offences of such kind are on the rise and the manner in which the offence was committed does not entitle the petitioner to the grant of regular bail.

5. I have heard counsel for both the sides at length.

6. Admittedly, the petitioner is in custody since 24.5.2022. None of the 08 prosecution witnesses have been examined so far. Therefore the trial of the present case not likely to be concluded in near future. Even otherwise, the petitioner is a first time offender.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Babandeep Singh** son of Sh. Nikka Singh is ordered to be released on bail subject to his furnishing bail bonds

and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 01, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>