

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-38459-2022 (O&M)

Date of Decision: 23.11.2022

KARAN KUMAR

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Dhruv Khanna, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.88 dated 18.05.2022, registered at Police Station Bhargo Camp, Jalandhar, under Section 379-B IPC and Sections 411 and 34 IPC (added later on).

Status report by way of an affidavit dated 23.11.2022 of the Assistant Commissioner of Police (West), Jalandhar, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR; that the alleged occurrence took place on 07.03.2022 whereas the above-noted FIR was got registered on 18.05.2022 i.e. after a period of more than two months; that the petitioner has been in custody since 18.05.2022, and that co-accused, namely, Rohit Kumar has since been granted the concession of regular bail by the Court of Session. He

further submits that the recovery has already been effected from the petitioner and that there is no other case registered and/or pending against him.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner along with the co-accused had snatched the mobile phone from the victim and that during investigation, two mobile phones were recovered from the petitioner. He further submits that post framing of the charges, the prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 18.05.2022. As per the learned counsel for the petitioner, recovery has already been effected from the petitioner. There is no other case registered and/or pending against the petitioner. Co-accused has already been enlarged on bail. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, 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 learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

23.11.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE