

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-39156-2022

Date of Decision: 18.11.2022

Raj Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Inderpreet Singh Brar, Advocate,
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

KARAMJIT SINGH, J.

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.0133 dated 12.6.2022 registered for the offences punishable under Sections 394, 324, 323, 34 IPC (Sections 212, 216 IPC and Section 21 of NDPS Act added later on) at Police Station City Muktsar.

Counsel for the petitioner submits that FIR in the present case was registered against 3 unknown persons having muffled faces who came on a motorcycle and snatched bag from complainant-Hardesh Kumar which was containing cash worth ₹ 1,80,000/-. He further submits that the petitioner was not involved in the said snatching and is in custody for the last more than 5 months and is having no criminal history and that after completion of investigation, the police has presented the challan. So, prayer is made for grant of regular bail to the petitioner.

Present petition is contested by the State counsel who on instructions from ASI Surjit Singh submits that co-accused Gursewak Singh, Sukhwinder Singh and Manjit Singh snatched the bag of the complainant having cash worth ₹ 1,80,000/- and thereafter, the present petitioner gave shelter to the said 3 snatchers and out of the said snatched cash, certain amount was given to the petitioner by main accused persons. State counsel further submits that the petitioner was arrested in this case on 12.6.2022 and an amount of ₹ 3500/- was recovered from his possession. She has admitted the fact that after completion of investigation, the police has presented the challan but trial is yet to commence.

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

As has been apprised by the State counsel, the petitioner was not present at the place of occurrence with other 3 accused who snatched bag containing cash worth ₹ 1,80,000/- from the complainant. The only allegations against the present petitioner are that he gave shelter and harboured 3 main accused and for doing so, he received certain share out of the total snatched amount. The petitioner is in custody for the last more than 5 months and is having no other criminal history. The police has presented the challan on completion of investigation but trial is yet to commence and it will take considerable time for trial to conclude even after framing of charge. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

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

satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

November 18, 2022

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No