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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42435-2022

Decided on: 17.11.2022

Akashdep Singh @ Billa

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vishal Sharma, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure for seeking grant of regular bail in case FIR No.45 dated 08.07.2022, under Section 379-B IPC, registered at Police Station City Banga, District Shaheed Bhagat Singh Nagar.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 09.07.2022 and he has been falsely implicated in the present case. He further submitted that even the perusal of the FIR would show that the complainant has stated that four persons on two different bikes with muffled faces have snatched an amount of Rs.1,01,000/- from her and thereafter, she has also identified the present petitioner and the other co-accused, namely, Sagar. He also submitted that the other co-accused, namely, Sagar, who is the cousin of the complainant and due to personal enmity the present FIR was lodged. He further submitted that the investigation has

already been completed by the police and thereafter, challan has also been presented before the competent Court. He also submitted that there is a delay of 28 days in lodging of the FIR. He further submitted that the petitioner is not a habitual offender and is not involved in any other case, and therefore, has prayed that the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab, has submitted that it is correct that the petitioner is in custody since 09.07.2022 and the investigation of the case has been completed and challan has also been presented before the competent Court. He further submitted that it is also correct that the petitioner is not a habitual offender and he is not involved in any other case.

I have heard the learned counsel for the parties.

As per the allegations, the petitioner along with three more persons had snatched an amount of Rs.1,01,000/- from the complainant but it has also come up that one of the accused is the cousin of the complainant and the allegations against the petitioner and other co-accused were that they had snatched money from her. The argument raised by the learned counsel for the petitioner that it was because of personal enmity with the aforesaid Sagar, who is the cousin of the complainant and the petitioner has been falsely implicated, cannot be ignored, particularly in view of the fact that the petitioner is not stated to be habitual offender and is not involved in any other case. Even otherwise also, the subject matter of the present case is only of Rs.1,01,000/-. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness or may tamper with the evidence. Therefore, considering the aforesaid facts

and circumstances, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on bail subject to the appropriate terms and conditions to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

17.11.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |