

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

216

**CRM-M-45044-2022  
Decided on : 10.10.2022**

Kuldeep Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: Mr. Karanjeet Singh Brar, Advocate  
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

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**SANJAY VASHISTH, J. (Oral)**

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Kuldeep Singh, who has been booked for having committed the offence punishable under Sections 379, 379-B, 411 IPC, in FIR No. 95, dated 19.05.2022, registered at Police Station City-I, Abohar, District Fazilka.

Learned counsel for the petitioner submits that no offence under Section 379- B IPC is made out in the present case.

Section 379-B IPC says as under:-

***“Snatching after preparation made for causing death, hurt or restraint in order to the committing of snatching.—Whoever commits or attempts to commit snatching, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, to any person, in order to the***

*committing of such snatching, or in order to the retaining of property taken by such snatching, shall be punished with rigorous imprisonment for a term which shall not be less than seven years but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.”*

While referring to the definition of Section 379-B IPC, learned counsel for the petitioner argues that as per allegations made in the FIR itself, there is nothing mentioned about causing hurt to any one by any of the accused. Learned counsel also submits that after completion of investigation, challan has been presented and petitioner is a young boy aged about 26 years and inside jail since 18.06.2022. It is further submitted that no other case is pending or registered against him and trial would take sufficient time to conclude. Thus, prays, regular bail for the petitioner.

Per contra, learned State counsel submitted custody certificate dated 08.10.2022 in the Court today and same is taken on record. As per said custody certificate, petitioner has already undergone custody for a period of 04 months 20 days. While opposing the prayer made by learned counsel for the petitioner, learned State counsel submits that petitioner is involved in serious offence which is against the society. He further submits that stolen articles have also been recovered from the possession of accused persons.

In response, learned counsel for the petitioner refers to the observation given by learned Additional Sessions Judge, Fazilka, in its order dated 26.07.2022 where the recovery of articles such as mobile phone, motor cycle and activa are effected from the joint possession of the accused persons. Therefore, argues that no particular recovery can be attributed to the petitioner.

However, learned State counsel does not dispute the fact that after completion of investigation challan was presented on 16.07.2022 and, thereafter, charges were framed on 01.09.2022. He further submits that out of total 15 prosecution witnesses, none has been examined so far.

I have considered the submissions of both the sides, and perused the material available on record with their able assistance, I am of the view that the applicability of provisions of Section 379-B IPC making the case triable by learned Court of Sessions would be a question before the trial Court which would be decided at the final stage of the trial.

Taking into consideration the age of the petitioner and the period of actual custody already undergone by the petitioner, no purpose would be served by keeping the petitioner inside jail, especially, when trial is moving very slow, as out of 15 prosecution witnesses none has been examined so far. Therefore, I deem it appropriate to enlarge the concession of bail to the petitioner.

In view of the aforementioned facts and circumstances of the case and the submissions recorded hereabove, present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

However, it is made clear that in future if the petitioner is found involved in any other case of similar nature, respondent-State would be at liberty to take necessary steps for cancellation of bail granted to the petitioner in present case.

(SANJAY VASHISTH)  
JUDGE

October 10, 2022  
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| <i>Whether speaking/reasoned:</i> | <i>Yes/No</i> |
| <i>Whether Reportable:</i>        | <i>Yes/No</i> |