

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51986-2021
Date of Decision: 09.05.2022

Saurav Kumar @ Kali

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Pankaj Kalia, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

Short reply has been filed by the Assistant Commissioner of Police (Licensing and Security), Amritsar City, which is taken on record.

Copy has been supplied to the learned counsel for the petitioner.

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 279 dated 14.06.2020, under Sections 379-B, 411, 34 IPC, registered at Police Station Islambad, District Amritsar.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and as per the allegations there was a snatching done by the petitioner who was on an Activa scooter as a pillion rider and the other co-accused namely Suraj was allegedly driving the Activa scooter. He further submitted that the co-accused Suraj has been granted bail by the learned trial Court and so far as

the present petitioner is concerned, he has been falsely implicated only on the ground that earlier he was involved in two more cases. He further submitted that be that as it may the petitioner is in custody from 30.06.2020 which is almost 2 years and the charges were framed way back on 16.03.2021 but no prosecution witness has been examined as of today. He further submitted that the complainant is not even coming forward for deposing at the time of trial and has also stated that vide order 09.03.2022 and 21.04.2022 the bailable warrants were issued to the complainant but she has not turned up and it was because of the delay by prosecution that the trial has been delayed and the petitioner has suffered incarceration for about 2 years for no fault of his own.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has stated that it is a case where there was a recovery of a mobile phone from the petitioner. He further submitted that it is correct that the other co-accused Suraj has been granted bail by the learned trial Court and the petitioner is in custody from 30.06.2020 and the charges were framed on 16.03.2021.

I have heard the learned counsel for the parties.

It is a case where the allegation against the petitioner was that he alongwith the other co-accused namely Suraj were on an Activa scooter and they had snatched a mobile phone from the complainant. The petitioner has faced incarceration for about two years and despite the fact that the charges were framed on 16.03.2021 which is more than one year no prosecution witness has been examined and as per the learned counsel for the petitioner the bailable warrants were issued to the complainant and still

she has not bothered to put in appearance and depose. Although there are two other cases are pending against the petitioner but as per the learned counsel for the parties, the petitioner is already on bail in those cases and even otherwise also the same cannot become a ground for denial of bail to the petitioner.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned 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 for the purpose of deciding the present petition only.

09.05.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No