

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

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CRM-M-54580-2022
Date of decision : 06.12.2022

Mohd. Safaid Ali

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Amarbir Singh Pahwa, Advocate
for the petitioner.

Mr. Gurpreet Singh Sandhu, D.A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.23 dated 30.01.2022 registered under Sections 379-B, 411 and 34 of the Indian Penal Code, 1860 at Police Station Focal Point, Ludhiana.

The above-said FIR was registered on the basis of statement of complainant-Bamdev alleging that the complainant is working as a night-watchman in Star Kotax Factory situated at Uchhi Mangli, Ludhiana. On 30.01.2022, the complainant along with his family came to New Vishavkarma Colony from Uchhi Mangli in order to get the vaccination against Covid-19. At about 01.30 PM, after getting themselves vaccinated, they boarded an e-rickshaw and reached at Gol Market Cut, Near Thukral Cosmetic Shop. In the meantime, two persons came from behind on motorcycle bearing no. PB-10-EB-7494

make Hero Honda of black colour and they forcibly snatched mobile from the complainant. On this, the complainant raised alarm, due to which, several people gathered at the spot and the complainant came to know the names of the assailants as Sunny son of Ram Surat Singh resident of Village Karoli Bazaar, P.S. Hata, District Khushi Nagar, UP at present resident of Sardar Da Vehra, Near Lucky Model School, Sherpur Kalan, Ludhiana and Mohd. Safaid Ali (the petitioner) son of Mohd. Jamil resident of Village Khola Parshod, P.S. Katra, District Muzafarnagar, Bihar at present resident of Street No.2, Main Market, Sherpur Kalan, Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner was not apprehended on the spot. The recovery of mobile phone and motorcycle had already been effected from co-accused Sunny. The petitioner is in custody since 30.01.2022. Co-accused-Sunny has already been granted concession of regular bail by the Coordinate Bench of this Court vide order dated 14.07.2022. The challan has been presented in the trial Court and charges are yet to be framed. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel opposed the present petition on the ground that the petitioner along with his co-accused has committed a serious offence. The petitioner is also involved in other cases. Custody certificate dated 05.12.2022 has been filed by learned State counsel which is taken on record. As per the said

custody certificate, the petitioner is in custody from the last more than 10 months.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, the period of custody already undergone by the petitioner and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Mohd. Safaid Ali is ordered to be released on regular bail subject to furnishing his bail bonds and one heavy local surety to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

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

06.12.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No