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

CRM-M-56010-2022 (O&M)

CRM-48242-2022

Date of Decision: 13.12.2022

SUBEGH SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Abinashi Singh, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARSH BUNGER, J. (ORAL)

CRM-48242-2022

This is an application for placing on record the copy of statements of complainant under Section 161 of the Code of Criminal Procedure and statement of Lovedeep Singh, as Annexures P-9, P-10 and P-11, respectively.

Criminal Misc. Application is allowed, as prayed for.
Annexures P-9 to P-11 are taken on record, subject to all just exceptions.

CRM-M-56010-2022

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.87 dated 27.05.2022 registered under Sections 379 B(2) and 411 read with Section 34 of the Indian Penal Code, at Police Station Majitha Road, District Amritsar (Annexure P-1).

The FIR in question was registered on the basis of statement of one Nisha daughter of Sh. Gian Masih, who had stated that on 27.05.2022 at about 9.30 a.m., she was going on Fatehgarh Chudiyan Road on her Activa through Ratan Singh Chowk, and when she stopped her Activa on the side for attending an important phone call, then two persons on a motorcycle came from behind and pushed her down from Activa, snatched her mobile phone of VIVO V-15 brand, Blue colour and ran towards Ratan Singh Chowk. She read the number of motorcycle as PB 18-P-9901. It is alleged in the FIR that out of two youngsters, one who was driving the motorcycle was hindu gentleman and the pillion rider was wearing a parna. It is stated that SIM in the mobile was running with No.98551-78804 and the IMEI number of the mobile was 667 4504 9928 172, 8667 450 928 164. It is further stated that on account of the push given by the youngsters, the complainant had fallen from the Activa and had suffered an internal injury on her left leg, due to which, she was under pain and was feeling nervous, therefore, she went to her house.

Learned counsel for the petitioner, while referring to the FIR, has submitted that there was an unexplained delay in lodging of the FIR inasmuch as the alleged occurrence took place at about 9:30 a.m., whereas, the matter was reported to the police at about 5.00 p.m. It is submitted that it is unbelievable that a victim of snatching would not even inform any relative/family members nor approached the police for long duration of seven hours. Learned counsel further submits that so far as the alleged injury caused to the complainant is concerned, there is no

Medico Legal Report/other evidence to corroborate the said fact. It is stated that the FIR in question was registered against two youngsters, which were admittedly not known to the petitioner, however, no Test Identification Parade was got conducted to ascertain the identity of the accused. Learned counsel also submits that the petitioner has falsely been implicated in the case for the simple reason that there is another case i.e. FIR No.424/2016 under Sections 379, 411 IPC and Sections 21 and 22 of the NDPS Act registered at Police Station Civil Lines, Amritsar is pending against him, wherein, he is on bail as per order dated 16.12.2021 passed by the learned Additional Sessions Judge, Amritsar. It is further submitted that the petitioner is in custody for the last about 06 months and 16 days as on 12.12.2022 and no recovery, whatsoever, is to be effected in this case as the mobile phone has already been recovered and no useful purpose would be served by keeping him in custody any further. It is submitted that the petitioner is ready to abide by all conditions as imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail has been made.

Pursuant to the advance copy of petition having been served, Mr. Subhash Godara, Additional Advocate General, Punjab, appears and files the custody certificate of the petitioner, which is taken on record, subject to all just exceptions.

Learned State counsel opposes the bail plea of the petitioner on the ground that he does not have clear antecedents as he was earlier involved in case FIR No.424/2016 under Sections 379, 411 IPC and Sections 21 and 22 of the NDPS Act registered at Police Station Civil

Lines, Amritsar. However, he has not disputed the fact that the petitioner has been released on bail in the afore-mentioned FIR. He also submits that the recovery of mobile phone has been effected and challan already stands presented in this case on 17.08.2022.

I have heard learned counsel for the parties and have perused the paper book and also the custody certificate handed over by the learned State counsel, in Court today.

As per custody certificate dated 12.12.2022, the petitioner has undergone 06 months and 16 days of custody. The mobile phone already stands recovered. The investigation in the matter is complete as the challan has been presented on 17.08.2022. The trial is likely to take some time. No useful purpose would be served by keeping the petitioner behind bars.

Keeping in view the afore-mentioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned. However, about his release, the concerned Station House Officer be informed and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of the case and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish an undertaking to the effect that he will not indulge in any illegal activity.

Nothing expressed here-in-above shall be construed to be an

observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

December 13, 2022
gurpreet

(HARSH BUNGER)
JUDGE

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