

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-57050-2022 (O&M)

Date of Decision: 13.12.2022

Harpreet Singh @ Nanu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Vaibhav Sharma, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 12.12.2022 filed in Court today is taken on record.

The petitioner has filed the present second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 136 dated 09.08.2022 registered under Sections 379-B and 411 IPC at Police Station Division No. 4, District Patiala.

As per prosecution story, the present FIR was got registered on 09.08.2022 on the statement of Shivani Batra-complainant to the effect that on 16.05.2022 around 9.30 p.m., the complainant along with her younger sister was going to Mandir on Aactiva bearing registration No. PB-11-CT-5184 and when they reached Karam Ashram, she received a telephone call and was speaking on her mobile phone. In the meantime,

three youngsters came from behind on a Splendor motorcycle and the pillion rider had snatched her mobile phone make Vivo Y-20 containing two sim Nos. 62800-36215 and 77174-35454. During the course of investigation on the next day i.e. 10.08.2022, the petitioner was arrested and the snatched mobile phone was recovered from him.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case. There is an inordinate delay of 90 days in registration of FIR as the alleged incident of snatching was occurred on 16.05.2022, whereas the FIR was got registered on 09.08.2022. The petitioner had not committed any kind of snatching as he was not present at the spot. False recovery of mobile phone was foisted upon him. The petitioner is not involved in any other case. Challan has already been presented before the trial Court but the charges are yet to be framed. The petitioner is in custody since 10.08.2022. 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 has opposed the present petition.

Keeping in view the facts and circumstances of the case and also the fact that petitioner is the first offender and is not involved in any other case, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Harpreet Singh @ Nanu, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

December 13, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No