

205

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.59403 of 2022 (O&M)

Date of decision: 23.12.2022

Balbir Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sharad Mehra, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0104 dated 30.05.2022, for offence punishable under Sections 379-B, 511, 323 and 34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Beas, District Amritsar.

Counsel for the petitioner has argued that the petitioner is a first offender aged about 33 years and he is not involved in any other case. It is further submitted that the petitioner is in custody for the last 06 months and 25 days and challan stands presented. It is further submitted that the FIR was registered on the statement of one Ranjit Singh that he was working in his Wine shop, when 03 young persons carrying a sharp edged weapons came and tried to snatch the money, which was lying in the locker and when he started shouting, two watchmen came there and on seeing them, two persons ran away from

the spot, however, the petitioner was apprehended by them. It is further contended that as per the allegations in the FIR, it is only an attempt to snatch the money and one datar was recovered. It is also submitted that in fact, it was a dispute with regard to purchase of some wine from the shop, which is converted into the present FIR. Lastly, it is submitted that one of the co-accused had died and the other co-accused stands arrested.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 06 months and 25 days; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

23.12.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No