

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-59151-2022

Date of Decision:-22.12.2022

Karan Sharma.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ranjodh Singh Sidhu, Advocate for the Petitioner.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.24 dated 09.05.2022 under Sections 379-B, 34 IPC registered at Police Station GRP Amritsar, District Government Railways Police.

The FIR came to be registered at the instance of Gurwinder Singh son of Mastan Singh who stated that on 08.05.2022 while he was boarded on a train and when the same reached the railway station Bhagtanwala at about 09.45 pm three unknown persons already sitting in the train came near him. They started searching him forcibly and beating him. On raising a protest they gave him a fist blow upon his left eye and snatched a handbag carried by him in which there were files of the department, Rs.5500/- cash from his pocket, Identity Card of the department, Aadhaar Card, driving licence and Mobile Phone make Redmi

C-21 Sim No.98554-59983. The aforementioned boys ran away but he (complainant) caught one of them and the other two called him “Karan”. Then the person named “Karan” caught by him (complainant) also ran away. They were of the age of about 20-25 years and he could recognize them if they appear before him.

The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the ground that two of the accused named him as Karan at the time of alleged occurrence. In fact, the occurrence took place at 9.45 pm on 08.05.22 and the FIR came to be registered on 09.05.2022 at 5.50 pm. This delay of 20 hours was fatal to the prosecution case. Even otherwise, the petitioner was of the age of 20 years with no criminal antecedents and since he was in custody since 09.05.2022 and none of the 10 prosecution witnesses had been examined, his further incarceration was not required and he ought to be released on bail.

The Counsel for the State on the other hand contends that the petitioner is one of the three accused who committed the offence. Such offences are on the rise and the nature of the allegations against the petitioner did not entitle him to the grant of bail.

I have heard learned Counsel for both the parties at length.

Admittedly, the petitioner is in custody since 09.05.2022. He is a first time offender and of the age of 20 years. None of the 10 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded any time soon. As such the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the

petitioner-**Karan Sharma** son of Sh. Narinder Kumar is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the cases mentioned in this order.

In addition, the petitioner or any person on his behalf shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 22, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>