

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-995-2023

Date of Decision: 16.01.2023

Anmol Singh @ Kalu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Mohit Garg, Advocate for the petitioner.

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

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present 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, the petitioner was arrested on 17.08.2022 and he also got recovered seven snatched mobile phones.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case on the basis of disclosure statement of his co-accused, namely; Harpreet Singh, who has already been granted the concession of regular bail by this Court vide order dated 13.12.2022 (Annexure P-3). 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 matter has already been compromised between the parties vide compromise dated 17.11.2022 (Annexure P-2). Challan has already been presented before the trial Court but the charges are yet to be framed. The petitioner is in custody since 17.08.2022. 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 co-accused of the petitioner, namely; Harpreet Singh, had already been granted the concession of regular bail by this Court vide order dated 13.12.2022 (Annexure P-3), 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-Anmol Singh @ Kalu, 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.

January 16, 2023
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(ASHOK KUMAR VERMA)
JUDGE

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