

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

CRM-M-1580-2023

Date of Decision:-17.01.2023

Gurjeet Singh @ Kaka.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Shantanu Bansal, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

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.90 dated 01.06.2022 under Sections 420, 406 IPC registered at Police Station City, Phagwara.

2. The brief facts of the case are that the statement of Sachin son of Rakesh Kumar was recorded to the effect that on 21.08.2022, he had come to Baldev Nagar and after finishing his work was going from Baldev Nagar towards Lalru side. At about 4.30 PM while he was walking through Baldev Nagar market then three boys came up from behind him on a Activa and snatched his phone. He ran after them and noted down the number of the Activa which was HR01AM-7825. He could recognise the mobile phone if the same was produced before him. Legal action was sought against the boys.

3. The Counsel for the petitioner contends that the petitioner is not named in the FIR but only upon the disclosure statement of his co-accused. The veracity of the said statement shall be adjudicated during the course of trial. The mobile phone purported to have been recovered upon the disclosure statement of the petitioner has been foisted upon him. In fact it has been recovered from a open/public space. Since the petitioner was a young boy of 27 years of age and in custody since 21.08.2022 and none of the 07 prosecution witnesses had been examined so far, the petitioner is entitled to the grant of bail.

4. The Counsel for the State on the other hand contends that the petitioner has committed a heinous offence. Offences of this kind are on the rise. The recovery of the mobile phone snatched has been effected from the petitioner. He however, admits that none of the 07 prosecution witnesses had been examined so far as also the fact that the petitioner is a first time offender.

5. I have heard learned Counsel for the parties.

6. Admittedly, the petitioner is in custody since 21.08.2022. None of the 07 prosecution witnesses have been examined so far. The petitioner is a young boy of the age of 27 years and a first time offender and as such his further incarceration is not required.

7. Thus, without commenting on the merits of the case, the petitioner-**Gurjeet Singh @ Kaka** son of Sh. Tarsem Singh 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 present case.

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.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 17, 2023
Vinay

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