

Neutral Citation No. 2023:PHHC:050093

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-2603-2023 (O&M)

Date of decision: 12.04.2023

Ankit

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Manan Bhardwaj, Advocate as Legal Aid Counsel
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 327 dated 09.11.2020, registered under Sections 379-B, 341, 34 and 201, 411 (added later on) of the IPC at Police Station Maqbool Pura, District Amritsar.

Learned counsel for the petitioner submits the new ground for filing the present petition is that the petitioner is in long judicial custody i.e. for the last 02 years and 04 months and the victim stands examined. It is also submitted that conclusion of trial is likely to take a long time as out of total 14 prosecution witnesses, only 05 witnesses have been examined so far.

Learned counsel for the petitioner has relied upon order dated 10.12.2021, passed by this Court in CRM-M-30776-2021, vide which, co-accused Harpreet Singh @ Lucky has already been granted the

Neutral Citation No. 2023:PHHC:050093

concession of regular bail by this Court. The operative part of the order reads as under:

“Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of the complainant Pawan Kumar, on 09.11.2020, he was going towards the vegetable market and when he reached near a railway bridge, 03 young persons were standing on a motorcycle. They way-laid his scooter and stopped him and snatched his mobile phone and by taking the case of the scooter from the complainant also snatched Rs.32,000/- and a purse containing his Driving Licence. The complainant further stated that since the persons were not having muffled faces, he can identify them.

Status report by way of affidavit of the SHO, Police Station Maqboolpura, Amritsar City, is on record in which after stating the facts, it is stated that on receiving a secret information, the co-accused Ankit was arrested and from him, the snatched mobile phone and the motorcycle was recovered. Thereafter, Ankit nominated 02 persons namely Sahil @ Turla and Sajan @ Thatha. It is further stated that the mobile phone was kept by him and the amount was distributed by 03 of them. Counsel for the State has also submitted that the petitioner was not named at the first instance in the disclosure statement of Ankit when the recovery was effected and the petitioner is nominated in this case only because he is involved in certain other cases. It is further submitted that as per the affidavit of the Investigating Officer, the complainant had identified Ankit as one of the assailant as well as the petitioner, when he was arrested, however, no recovery was effected from the petitioner and nothing has come in the disclosure

Neutral Citation No. 2023:PHHC:050093

statement that they have shared anything with the petitioner.”

Learned counsel for the petitioner further submits that since the petitioner is in long judicial custody and conclusion of trial is to take a long time, he may be enlarged on regular bail as the there is no possibility for the petitioner to tamper with the prosecution evidence as the victim and other main prosecution witnesses have already been examined and only official witnesses remain to be examined.

Learned State counsel, on the basis of the custody certificate and on instructions from ASI Bikramjit Singh, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is in long judicial custody; co-accused of the petitioner has already been released on regular bail as noticed above and also in view of the fact that conclusion of trial is likely to take some time as out of 14 prosecution witnesses, only 05 witnesses have been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

12.04.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No