

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

CRM-M-3944-2023
Date of Decision:-**05.05.2023**

SUKHWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Mukesh Mehra, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

1. Prayer is for grant of regular bail in case having FIR No.133 dated 12.6.2022 registered under Sections 394, 324, 323, 34 IPC (Sections 212, 216 of IPC and Section 21 of NDPS Act added later on) at Police Station City, District Sri Muktsar.
2. The allegations in nut-shell are that on 11.6.2022, the complainant had gone to collect money from different persons in the area of Sri Muktsar Sahib and he made collection of Rs.1,80,000/- and then put it in a bag and at about 2 pm, he was going towards bus stand in an auto rickshaw and in the meantime, 3 unknown young boys having muffled

faces riding on a motorcycle came near his auto rickshaw and one of them tried to snatch his bag and when the complainant resisted, his accomplices attacked him with *Kappa*, but the said miscreants succeeded in snatching the bag of the complainant then they fled away from there. With regard to the aforesaid incident, FIR was registered against 3 unknown persons and during investigation co-accused Raj Kumar was arrested, who disclosed name of co-accused Manjit Singh, who was also arrested. In the meantime, the name of the petitioner surfaced in the supplementary statement of the complainant and he was arrested on 13.6.2022.

3. The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and no incriminating article is recovered from his possession to connect him with the alleged incident of snatching. The counsel for the petitioner further submits that there are allegations that 5 grams of heroin and some currency notes were recovered from the petitioner at the time of his arrest. The counsel for the petitioner further submits that the petitioner is already in custody for the last 10 months and it will take considerable time for the trial to conclude. So prayer is made that the petitioner be released on regular bail.
4. The present petition is resisted by the State counsel, who submits that the petitioner was arrested on 15.06.2022 in this case on the basis of supplementary statement made by the complainant and 5 grams of heroin and Rs.60,470/- were recovered from the petitioner, who is also involved in 3 other criminal cases. However, the State counsel has not

disputed the fact that the FIR in this case was registered against unknown persons and that no test identification parade of accused persons was conducted . The State counsel has also not disputed the fact that the petitioner is in custody since last 10 months and the trial is at its initial stage.

- 5. I have considered the submissions made by counsel for the parties.
- 6. In the light of the fact that FIR in this case was registered against 3 unidentified persons and the petitioner was later on nominated as accused on the basis of supplementary statement of the complainant and further the petitioner is in custody for the last more than 10 months and furthermore, it will take considerable time for the trial to terminate. So no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.
- 7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.
- 7. However, the petitioner is to be released by the jail authorities only if he is not required by the police in any other criminal case.

05.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No