

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

CRM-M-8011-2023

Date of Decision:-20.02.2023

Rohitpal Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

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

Present:- Mr. Vikram Satpal Anand, Advocate for the Petitioner.

Mr. Shubham Kaushik, Assistant 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.186 dated 06.06.2022 under Sections 379-B, 34 IPC registered at Police Station Civil Lines, District Police Commissionerate, Amritsar.

2. The brief facts of the case are that statement of Ajay Dhir was recorded to the effect that after withdrawing Rs.21,000/- from the bank, he was going on his motor cycle. When he stopped to urinate in the street of Pathar Market, two young men came on a Pulsar motor cycle of black colour. The person sitting on the back side snatched Rs.21,000/-, his wallet containing Rs.11,000/-, Aadhar Card, Pan Card, Voter Card, Driving Licence and two ATM cards. Along with the same his mobile phone was also snatched.

Based on the aforementioned allegations, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that he has not been named in the FIR. He has been named in the supplementary statement of the complainant wherein it is stated that the petitioner was driving the motor cycle and his co-accused Tejinder Singh was sitting pillion. Since the petitioner was a first time offender, in custody since 25.11.2022 and none of the 12 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The learned State counsel on the other hand contends that the serious nature of the allegations did not entitle the petitioner to the grant of bail. He, however, does not dispute the period of custody undergone by the petitioner as also the stage of Trial.

5. I have heard the learned counsel for the parties.

6. The veracity of the allegations against the petitioner shall be established during the course of Trial. The petitioner is a first time offender. He is stated to be in custody since 25.11.2022. None of the 12 prosecution witnesses have been examined so far. Further no recovery has been effected from him. As such the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Rohitpal Singh** son of Sh. Gurmeet Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. 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.

9. In addition, the petitioner (or anyone 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 as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 20, 2022

Vinay

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