

2023:PHHC:122934

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1. CRM-M-8771-2023

... Petitioner

.. Respondent

... Petitioner

.. Respondent

... Petitioner

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Mr.Arun Luthra, DAG, Punjab.

**CRM-M-8771-2023;
CRM-M-21301-2023(O&M); and
CRM-M-33716-2023**

2023:PHHC:122934

209 (3 cases)

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that he is working as a parcel delivery boy for M/s Delivery Private Limited Company. On 23.10.2022, he was entrusted with 59 parcels. He had delivered 32 of them but when he reached Green Avenue in the afternoon, four unknown persons on two motorcycle intercepted his Activa, snatched the remaining 27 parcels as well as cash of Rs.25,000/- and a mobile that he was carrying.

4. Counsel for the petitioners submit that petitioners have been falsely implicated. It has been asserted that neither the petitioners have been named in the FIR nor have they been identified. Reference has been made to the testimony of the complainant to submit that he has failed to identify any of the accused. Counsel asserts that that the petitioners, who are in custody since October and November, 2022, deserve to be enlarged on bail. It has been submitted that petitioners have a clean past except, Amanpreet Singh Gill, who is involved in another criminal case lodged against him for offence under NDPS Act on the allegation that recovery of 5 grams of heroin was effected from him. It has been submitted that he is on bail in the said case.

5. Per contra, learned State counsel upon instructions and by making a reference to the short reply filed on behalf of the State has opposed the petitions by urging that the allegations levelled against the petitioners are serious. He has specific instructions to state that recovery of some of the snatched items has been effected from accused Ashiwani Kumar @ Ashu; 32 bore revolver, six live cartridges and some items have been recovered from petitioner Manoj @ Mannu and similarly recovery of one item and

cash of Rs.2,000/- has been effected from accused Amanpreet Singh Gill. State counsel has filed separate custody certificates, which are taken on record. As per his instructions, one out of 11 prosecution witnesses has been examined.

6. I have considered the respective submissions of counsel for the parties.

7. The complicity of the petitioners in the alleged offence will remain subject matter of debate before the trial Court. Petitioners are in custody for the last more than 10 months, trial is at nascent stage and is not likely to conclude in near future. For the foregoing reasons, this Court is prima facie of the view that all the three petitioners deserve to be enlarged on bail.

8. Without adverting to the merits or demerits of the arguments addressed, petitions are allowed. Petitioners are ordered to be released on bail, on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9. Any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

19.09.2023
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No