

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-11894-2023

Date of Decision: 09.08.2023

Ramandeep Kumar @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Arvind Kashyap, Advocate,
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

VIKAS SURI, J. (Oral)

1. The instant petition has been preferred under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.140 dated 02.12.2022, under Sections 379-B IPC (Section 411 IPC was added later on vide *Rapat* No.18 dated 04.12.2022), registered at Police Station Division No.1, Pathankot, District Pathankot.

2. Custody certificate of the petitioner dated 08.08.2023, showing the actual undergone period as 08 months and 07 days, has been filed by the learned State counsel in Court today. The same is taken on record. A copy thereof supplied to the learned counsel for the petitioner.

3. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and he has been falsely implicated in this case; that false

recovery has been foisted upon him; and that petitioner is in custody since 04.12.2022. He further contends that out of 10 prosecution witnesses cited, only four have been examined till date and trial is not likely to conclude in near future. The material prosecution witnesses cited stand examined and therefore, no useful purpose would be served by keeping him behind the bars.

4. *Per contra*, learned State counsel submits that the petitioner is the lone accused in this case and booked for snatching money and scooty from the complainant. He, on instructions from ASI Balbir Singh, Police Station Division No.1, Pathankot, submits that the petitioner was involved in another case under the NDPS Act. He, however, could not dispute the fact that the petitioner has already undergone the sentence in that case and as of now, there is no other case pending against him.

5. I have heard the rival contentions and have gone through the record of the case.

6. Considering the submissions so made and keeping in view the gravity of offence alleged against the petitioner coupled with the fact of actual custody period undergone by him and the trial is not likely to conclude at an early date, I deem it an appropriate case to enlarge the petitioner on bail.

7. Hence, the instant petition stands allowed and petitioner-Ramandeep Kumar @ Sunny is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Illaqha Magistrate/Duty Magistrate concerned.

8. It is made clear that the petitioner shall not, in any manner, influence the trial directly or indirectly.
9. However, any observations made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 09, 2023
Harish

(VIKAS SURI)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No