

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

CRM-M-12477-2023

Date of Decision:-17.08.2023

Amandeep Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Rahul Soi, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy 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.119 dated 25.11.2022 under Sections 379-B, 34 IPC and under Section 411 IPC (added later on) registered at Police Station Urban Estate, Patiala.

2. The present FIR came to be registered at the instance of Avtar Singh who stated that he had come to urban estate, Patiala on 25.11.2022 in connection with work and had bought a Micromax Mobile Phone for an amount of Rs.1000/- for wherein he had inserted his Sim Card. After completing his work, while he was walking towards the market and was talking to someone on his phone, two young men came on a dark Grey coloured Activa Scooter without a number plate and the young man sitting behind on the scooter snatched his (complainant's) mobile phone and thereafter both the men escaped from the spot. He could identify them if they were produced before him. Legal action was sought.

During the course of investigation, a barricading was set up and one scooty without any registration plate came to the spot being ridden by two youngsters. The same was stopped. Upon asking the driver of the scooty disclosed his name as Amandeep Singh (petitioner) and the pillion rider disclosed his name as Bhima. Both the youngsters and their scooty were identified by the complainant after which the youngsters were nominated as accused in the present case. From the search of the accused Bhima, a Micromax Mobile Phone came to be recovered which was duly identified by the complainant. Thereafter, the offence under Section 411 IPC was added.

During police remand, Bhima disclosed that he in connivance with Amandeep Singh(petitioner) had snatched three other mobile phones from different places and consequently, three mobile phones were recovered at the instance of Bhima.

The ownership of the scooty recovered from the accused was verified and it came to the light that the said scooty was registered in the name of Amandeep Singh (petitioner).

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact the FIR does not name any accused and only the description of the alleged snatchers was mentioned. The recoveries have been planted upon the petitioner and his co-accused. As the petitioner was in custody since 25.11.2022, none of the 11 prosecution witnesses had been examined so far and he was a first time offender, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner and his co-accused have committed a grave offence and as such they were not entitled to the concession as prayed for. He however concedes

that petitioner is in custody since 25.11.2022 and none of the 11 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be established during the course of the Trial. Admittedly the petitioner is a first time offender, in custody since 25.11.2022 and none of the 11 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation his further incarceration is not required.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Amandeep Singh** son of Sh. Rampal 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 each time that he is not involved in any other crime other than the present case.
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 the trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 17, 2023
Vinay

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