

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

CRM-M-13402-2023

Date of decision: 24.05.2023

Surjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

**Present:** Mr. Harmanpreet Singh, Advocate  
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

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**NAMIT KUMAR, J. (ORAL)**

1.                    Petitioner has filed the instant petition under Section 439 Cr.PC seeking regular bail in case FIR No.125 dated 10.04.2022 under Sections 379B/34/411 (added later on) of IPC, 1860 registered at Police Station Islamabad, District Police Commissionerate, Amritsar (Annexure P-1).

2.                    The brief facts of the prosecution case are that the present FIR has been registered on the application moved by complainant Harpreet Singh, alleging that on 10.04.2022 at 8.30 P.M., he was on foot and was going towards Kot Khalsa from Gate Kabir Park and when he reached near Shah Dairy, Kot Khalsa, from his behind, two young men came on a motorcycle and snatched his mobile phone MI-75, which he held in his hand and ran away. While joining the complainant in the police party, a Naka was held and during checking, motorcycle No.PB02-DU-0829 make Bajaj CT 100 appeared, on which two young men were riding, but they did not respond to the signal given by the Investigating Officer, but while putting break, their motorcycle fell. That the complainant identified them to be persons, who snatched his mobile phone. The

driver of the motorcycle disclosed his name as Hamran Singh and the pillion

rider disclosed his name as Satnam Singh. Further the complainant identified petitioner-Surjit Singh to be the person, who snatched his mobile from his hand.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the petitioner is in custody since 12.04.2022. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 14 witnesses 01 have been examined and the case is now fixed before the trial Court on 26.05.2023 for prosecution evidence. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, while placing on record, custody certificate, opposes the prayer for grant of regular bail to the petitioner by stating that the petitioner is involved in two other cases bearing FIR No.62 dated 27.03.2022 under Sections 379B/34 IPC, PS Chherretta and FIR No.29 dated 08.02.2022 under Sections 379B/34 IPC, PS Cantonment, although he is on bail in the said cases vide order dated 23.11.2022 and 06.12.2022 passed by the Ld. Additional Sessions Judge, Amritsar (Annexure P-4 and P-5). However, he could not dispute that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 14 witnesses 01 has been examined and the case is now fixed before the trial Court on 26.05.2023 for prosecution evidence.

5. Learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment

is reproduced as under:-

*“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”*

6. I have heard learned counsel for the parties and perused the record.
7. Keeping in view the custody of the petitioner, which is about 01 year 01 month and 11 days; investigation is complete; challan has been presented; charges have been framed and out of 14 witnesses, 01 witnesses has been examined and trial is likely to take a considerable time.
8. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
9. Accordingly, the present petition stands disposed of.
10. Nothing observed herein shall be construed as an expression of opinion on the merits of the case of either parties.

**24.05.2023**

Parveen kumar

**(NAMIT KUMAR)**  
**JUDGE**

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