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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.14125 of 2023
Date of Decision: 22.08.2023

Akashdeep Singh @ Billa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu AAG, Punjab.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 439 Cr.P.C the petitioner is praying for grant of regular bail in FIR (Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
142	11.11.2022	379-B, 323 of IPC (411 IPC added lateron)	Cantt Ferozpur, District Ferozpur

2. In nutshell the case of the prosecution is that one unidentified person on motor-cycle came to the spot and by giving danda blow on the head of the complainant snatched her mobile phone on 11.11.2022 at about 11:30 AM. As per the prosecution case the present petitioner -accused was nominated on the basis of secret information on 27.12.2022 and he was

arrested on the same day and from his possession the mobile phone aforesaid was recovered and the petitioner was even identified by the complainant.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that even from the perusal of FIR the version of the complainant is that some unidentified person is mentioned as culprit and there is nothing on record as to how the accused has been connected with the said occurrence after a period of one and half months when he was arrested on 27.12.2022. He submits that there is no other case against the petitioner and he has no criminal background. He further submits that the challan has been presented in the Court but till date no witness has been examined, hence the prayer for grant of bail.

4. Learned State counsel has contested the bail application by vehemently arguing that the petitioner was arrested on the basis of secret information and the recovery of the mobile phone of the complainant has been effected from him. Learned State counsel submits that keeping in view the nature and gravity of the offence, he is not entitled to concession of bail.

5. The arguments advanced by learned counsel for the petitioner as well as the learned State counsel have been heard.

6. After considering the rival contentions and perusing the record, it transpires that the present case was registered on the statement of the complainant stating that on the fateful day some unidentified person on motor-cycle came from back side and after hitting her head, he snatched her mobile phone. The alleged occurrence took place on 11.11.2022 and the

present accused was nominated and arrested on the basis of some secret information on 27.12.2022 and the recovery of mobile phone was effected. Admittedly, the petitioner has no criminal antecedents. The challan has already been presented in Court as such the petitioner is no more required for further investigation. As stated above, none of the witnesses cited by the prosecution have yet been examined. The petitioner is already in custody since 27.12.2022 and the criminal liability if any of the petitioner could only be determined after the conclusion of trial which may take sufficient time as till date none of the witnesses have been examined and in these circumstances no purpose would be served by keeping the petitioner in custody till then.

7. Consequently, in the light of the above, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

22.08.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |