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

CRM-M-15077-2023 (O&M)

Date of decision: July 07, 2023

Amar Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Kushagra Mahajan, Advocate
for the petitioner.

Ms. Guramrit Kaur, D.A.G., Punjab.

ARUN MONGA, J. (ORAL)

Petitioner, a 24-year old young man, seeks bail in criminal case bearing FIR No.327 dated 27.11.2022, registered under Sections 379B, 411 IPC and Section 25 Arms Act, 1959 and Section 379-B (2), 201 IPC (added later on) at Police Station Sadar, District Amritsar.

2. Per FIR, on 26.11.2022 at around 10 p.m., petitioner riding a motorcycle and along with his pillion- co-accused came to the crime scene and the pillion rider pointed a pistol towards the complainant and snatched his mobile phone. Further, both the petitioner and the co-accused who were later allegedly found standing near the place of occurrence were arrested by the police party on 27.11.2022.

3. Learned counsel for petitioner contends that the prosecution version, on the face of it, seems to be false and unpalatable. It is rather

strange that the persons, who allegedly committed the crime in question will again go to the same very place of occurrence and simply stand there. He further submits that petitioner is the sole breadwinner in his family. He further submits that, in any case, now compromise has been effected between the parties. It is likely that trial may result in acquittal in the absence of any witness.s

4. On the other hand, learned State counsel opposes the bail petition. She submits two more FIRs have also been registered against petitioner, one under Sections 21, 27 NDPS Act and second under Sections 379 and 411 IPC.

4.1. In rebuttal, learned counsel for petitioner submits that he is on bail in both those cases.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Investigation is complete. Challan was presented on 21.02.2023 and charges were framed on 29.04.2023. Petitioner is not required for custodial interrogation. There are 14 prosecution witnesses in all but none has been examined so far. Trial is still likely to take long time, whereas petitioner has already been languishing in jail for the past more than 7 months in preventive custody.

7. Compromise is also stated to have been arrived between complainant and petitioner. In any case, allegations against petitioner are a matter of trial at this stage. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of

the view that no useful purpose would be served to keep the petitioner in further preventive custody.

8. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Magistrate, as the case may be.

9. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

10. It is made clear that any observations and/or submissions noted herein above shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned Trial Court shall proceed without being influenced with this order.

11. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 07, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No