

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

**CRM-M-15924 OF 2023 (O&M)
DATE OF DECISION: 20.07.2023**

Raj Kumar Noniya**...Petitioner****Versus****State of Punjab****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Amit Sharma, Advocate,
For the petitioner.

Mr. Virat Rana, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Petitioner, a20 years young boy, seeks bail in case bearing FIR No.2 dated 04.01.2023, registered under Sections379-B, 411, 201 read with Section 34 IPC, at Police Station Division No.4, District Patiala.

2. Per FIR, on 03.01.2023 at about 2:30 p.m., complainant along with his wife was having *langar* at the backside gate of bus stand, one of the two unknown persons, who were standing behind him, snatched his mobile phone from his hand and ran away in different directions. Later on, he came to know that names of those persons are Irfan Khan and Shakil Khan. Formal FIR was registered on his complaint. Investigation was carried out. Petitioner was arrested on 04.01.2023.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in the case. He is in custody since 04.01.2023. As per FIR, he has been shown as resident of Ludhiana, whereas he is permanent resident of Jharkhand. He had come to Patiala for his medical treatment.

4. Learned counsel would further argue that challan has been presented and charges have been framed. Custodial interrogation of petitioner is not required. He is not involved in any other case.

5. On the other hand, learned State counsel, on instructions from ASI Satvir Singh, opposes the bail petition on the ground that in case petitioner is released on bail, there is apprehension that he will flee because he belongs to the State of Jharkhand.

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

7. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Challan has been presented and even charges have also been framed. Petitioner is not required for custodial interrogation. Trial is likely to take long time, whereas petitioner has already been languishing in jail for the past more than six and a half months in preventive custody, he being behind the bars since 04.01.2023. He is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/ or influence witnesses, particularly when he has clean antecedents.

7.1 Petitioner is stated to be a 20-year old unmarried person and his continued incarceration will severely jeopardize his career in getting employment as well as his marital prospects. He has old parents to look after, living in sheer penury in his absence. Being a family man with clean antecedents and no other case pending against him, it is unlikely that he is flight risk or will flee from the trial proceedings.

8. 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.

9. 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 Judge, as the case may be.

10. 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.
11. It is made clear that any observations and/or submissions noted hereinabove 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.
12. Pending application(s), if any, shall also stand disposed of.

JULY 20, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No