

CRM-M 15953 of 2023

2023:PHHC:076414

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M 15953 of 2023

Date of Decision: 25.05.2023

Sukhraj Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Amandeep Singh, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

GURBIR SINGH, J (ORAL)

The prayer in this petition is for grant of regular bail in case FIR No.132 dated 07.09.2022, under Sections 379-B, 411, 34 IPC, registered at Police Station Dugri, District Ludhiana.

The case was registered at the instance of Sushil Kumar Mandal on the allegation that on 07.09.2022 at about 4.30 PM, he was going from Lodhi Club road toward Phullawal Chowk side on his bicycle. When he reached in front of the Keys Hotel, then he received a phone call and while he was talking on the phone, two persons without turban came on motorcycle. They snatched mobile phone of the complainant and fled away. The complainant noted the number of motorcycle as PB10 HJ 9547. Later on, the petitioner and co-accused Amandeep Singh @ Aman were arrested and mobile phone and iron datar were recovered from the co-accused Amandeep Singh. Two other mobile phones were recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is

in custody since 08.09.2022. Challan is already presented. No witness has

yet been examined. No test identification parade was conducted. No recovery is effected from the petitioner.

Custody certificate filed in the Court today is taken on record.

Status report by way of affidavit of Vaibhav Sehgal (PPS), ACP, Ludhiana (South), District Police Commissionerate Ludhiana, on behalf of respondent-State, has already been filed.

On the other hand, the prayer is opposed by learned State counsel who submits that petitioner is involved in three other criminal cases out of which he has already been acquitted in one of them. He has actively participated in the crime, so he is not entitled for bail.

On asking, learned State counsel submits that the mobile phone recovered from the petitioner are not related to any FIR but she has fairly admitted that the petitioner is in custody since 08.09.2022.

Heard.

No recovery is effected from the petitioner. Challan has already been presented in this case. No witness has been examined by the prosecution. The petitioner is already on bail in two other criminal cases registered against him.

Without commenting anything on merits of the case, considering the custody period and the fact that the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, the present petition is **allowed** and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. The petitioner shall also abide by the following conditions:-

1. *The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.*
2. *The petitioner shall not change his residence without prior intimation to the SHO concerned and the trial Court.*
3. *The petitioner shall appear before the Trial Court on each and every date of hearing.*
4. *The petitioner shall not close/block his mobile till the disposal of the case.*

The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the conditions, then the concerned Court is competent to cancel the bail granted to the petitioner.

Nothing stated herein above be construed as a final expression of opinion on the merits of the case and the Trial Court would proceed independently of the observations above, which have only been made for the purpose of adjudication of the present petition for grant of regular bail.

25.05.2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No