

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

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2023:PHHC:141542

CRM-M-16721-2023

Date of decision: November 6th, 2023

Ajeet Singh alias Rahul

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Hitesh Chopra, Advocate
for the petitioner.

Mr. Digvijay Nagpal, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.197 dated 15.12.2020 under Sections 379-B, 379, 411 of the IPC registered at Police Station Division No.1, Tehsil and District Pathankot.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 03.12.2022 for having allegedly snatched the mobile phone of the complainant while she was going on foot. Learned counsel submits that delay of seven days in the lodging of the FIR lends credence to the petitioner's false implication in the case in hand. It has also been submitted that since the material witnesses stand examined, there is no likelihood of the petitioner trying to influence the witnesses or trying to tamper with the material evidence. He submits that in the circumstances, his further incarceration would serve no useful purpose.

3. *Per contra*, learned State counsel has apprised the Court that no doubt the allegations levelled against the petitioner are only of

snatching the mobile phone of the complainant, however, subsequent to the registration of the FIR in question, the petitioner had absconded for two months and had been declared a proclaimed offender. It has also been submitted that the petitioner is also involved in another case of similar nature. However, learned State counsel has not disputed that the sole material witness i.e. the complainant already stands examined in the case in hand.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the facts and circumstances as enumerated hereinabove and keeping in view the fact that the petitioner has been in custody since 03.12.2022, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 6th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No