

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-17238-2023

Date of decision: 17.05.2023

Shubam Kumar Alias Gabbar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.0255 dated 06.12.2022 under Sections 379-B, 341, 323 and 34 of the IPC (Section 411 of the IPC added lateron) registered at Police Station City-2 Mansa, District Mansa.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand for allegedly snatching a mobile phone along with ₹5,000/- from the complainant on 05.12.2022 while he was going on his motorcycle. Learned counsel submits that the petitioner has been falsely implicated in the instant case as there was a history of previous dispute between the parties. It has also been submitted that the investigation in the case is complete and hence in the circumstances, further incarceration of the petitioner would serve no useful purpose moreso as charges have not yet been framed.

3. Per contra, learned State counsel while opposing the prayer

made by the counsel opposite, on instructions, has not disputed that the investigation in the case in hand is complete, however, he submits that charges are likely to be framed on the next date of hearing.

4. On a pointed query put to the learned State counsel qua the antecedents of the petitioner, he, on instructions, submits that there is no criminal case pending against him as on date, though there was one case FIR No.33 under Sections 379-B, 323 and 34 of the IPC which was registered against him on 20.02.2021, however, he had since been discharged in the said case.

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

6. The investigation in the case is complete, however, charges have not yet been framed and 11 prosecution witnesses have been cited by the prosecution. In the circumstances, the trial is likely to take time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail ot the petitioner.

7. Accordingly, 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.

17.05.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No