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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-17736-2023 (O&M)****Date of decision: July 18, 2023**

Sohan Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Balbir Singh Jaswal, Advocate for petitioner.

Ms. Guramrit Kaur, DAG Punjab.

ARUN MONGA, J. (ORAL)

Petitioner seeks bail in case bearing FIR No.103 dated 26.11.2022, registered under Sections 379-B(2), 411 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Verka, District Amritsar.

2. Per prosecution version, on 26.11.2022 at about 3.00/3.30 p.m., two boys came on a motorcycle and snatched one mobile phone from complainant Ranjit Kaur after giving her push. They were also wielding a knife. Due to push given by the snatchers, she suffered injury on her knee. An FIR was registered. Petitioner was later arrested as a suspect on 29.11.2022.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. He submits that investigation is complete and further custodial interrogation of the petitioner is not required. There is no evidence against the petitioner. Nothing is to be recovered from him. Petitioner is not involved in any other case.

4. On the other hand, learned State counsel, on instructions from ASI Kulwant Singh opposes the bail petition. She submits that petitioner has committed a serious offence. Petitioner, if enlarged on bail, may tamper with the evidence and/ or influence the witnesses. Investigation is complete and supplementary

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challan has been presented and even charges were framed on 24.02.2023. She, however, admits that out of 15 witnesses, none has been examined so far and that petitioner is not involved in any other case.

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

6. It transpires that trial has commenced and petitioner is not required for custodial interrogation and he is being kept in judicial custody only on unfounded suspicion of tampering with the evidence and/ or influencing the witnesses. Trial is proceeding further at a snail pace. There are total 15 witnesses and out of them, none has been examined so far. Petitioner has clean antecedents.

7. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for the more than 7 months in preventive custody now, being behind bars since 29.11.2022. Petitioner is stated to be 40-year old married person, is sole breadwinner of his family and has wife and two minor children along with old aged parents, who are totally dependent on him. In his absence, they all are living in sheer penury.

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, if not required in any other case, 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.

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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.

(ARUN MONGA)
JUDGE

July 18, 2023

mahavir

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No