

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(217)

CRM-M-18182-2023
Date of decision:- 08.11.2023

Mandeep Singh @ Deepa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mohit Vashishat, Advocate for the petitioner.

Mr. A.P.S.Tung, DAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
7	19.01.2023	Ladhowal, District Ludhiana	379-B(2), 379, 473 and 34, IPC

2. Version of the prosecution is that FIR, Annexure P-1, has been registered on the basis of secret information. Visaka Singh @ Motha, Gagandeep Singh and Mandeep Singh @ Deepa, present petitioner, were apprehended. Recovery of stolen mobile phones, motorcycles and a car was made from them.

3. Counsel for the petitioner contends that offence under Section 379-B, IPC is not made out as there is no allegation of snatching against the petitioner, though allegedly some recovery has been effected from him. He submits that investigation qua the petitioner is complete and the petitioner, who is languishing in detention since 19.01.2023, deserves to be enlarged on bail. Counsel submits that petitioner is named as an accused in two other criminal cases involving offence under Section 379, IPC, but he has been falsely implicated.

4. *Per contra*, State counsel, upon instructions from ASI, Surinder Singh and by making reference to the reply filed to the petition has submitted that seven motorcycles, one Maruti car, four mobile phones and some sharpened weapons were recovered from the accused. As per his instructions, name of fourth accused, Jung Singh, came up during investigation, but he could not be arrested and proceedings to declare him as a proclaimed offender have been initiated. He submits that charge is yet to be framed.

5. I have heard counsel for the parties and considered their respective submissions.

6. The moot issue, that is, whether the petitioner is guilty of offence of snatching, would be adjudicated by the Trial Court on the basis of evidence adduced before it. Investigation qua the petitioner has concluded and final report has been presented. Petitioner is in confinement since January, 2023.

7. Noticing the nature of allegations levelled against the petitioner, the stage of the proceedings and the length of his detention, this Court is prima facie of the view that he deserves to be released on bail during the pendency of the trial.

8. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

9. While being released on bail, petitioner shall furnish an undertaking by way of an affidavit that henceforth he will not get involved

in any unlawful activity and in case, he violates the condition, liberty is granted to the State to seek cancellation of his bail.

9. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

08.11.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No