

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

215

CRM-M-18428-2023
Date of Decision: 24.04.2023

Gaurav

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Shvetanshu Goel, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Sandeep Moudgil, J. (Oral)

The present petition under Section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No. 0061 dated 08.02.2023, under Section 379-B of IPC registered at PS Division No. 7, Police Commissionerate, Ludhiana.

Learned counsel for the petitioner contends that as per allegations in the FIR against the petitioner, on 07.02.2023, petitioner alongwith other co-accused snatched the mobile phone and cash amount of Rs. 1500/-. He further contends that no overt act has been attributed to the petitioner. It is only the toy gun which is alleged to have been recovered from the petitioner and the same is actually planted upon him just to exaggerate the gravity of offence.

Learned State counsel has filed the custody certificate, which is taken on record. As per custody certificate, petitioner is in custody for the last 2 months 10 days and has not disputed the fact with regard to the recovery of

CRM-M-18428-2023

- 2 -

stolen articles which already stands effected from the other accused, who is on bail.

In the light of the above said facts that nothing is to be recovered from the petitioner, this court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars. The petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate, Ludhiana.

The petition stands allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

24.04.2023
Harish Kumar

(SANDEEP MOUDGIL)
JUDGE

1. *Whether speaking/reasoned?*

Yes/No

2. *Whether reportable?*

Yes/No