

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-20661-2023 (O&M)

Date of decision: 01.05.2023

Gurkirat Singh @ Kirat

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Amit Rana, 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.1 dated 08.01.2023 under Sections 379-B(2), 201 and 34 of the Indian Penal Code, 1860 registered at Police Station Majitha Road, Amritsar.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand for allegedly snatching the mobile phone and ₹700/- of the complainant and also inflicting a *datar* blow on him on the fateful day when the crime in question was committed. Learned counsel submits that the petitioner has clean antecedents as he is not involved in any other case much less a case of similar nature which further lends credence to his false implication. Learned counsel has further submitted that the petitioner came to be nominated as an accused on the basis of disclosure statement suffered by Manpreet Singh on whose motorcycle assailants were riding at the time of alleged occurrence.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on

instructions from ASI Bharat Bhushan, has submitted that no doubt the motorcycle was not registered in the name of the petitioner, however, he had inflicted a *datar* blow on the complainant and there was medical evidence to corroborate the said fact. It has also been submitted that the investigation is complete as challan stands presented and the charges are likely to be framed on 02.05.2023.

4. On a pointed query put to the learned State counsel qua the criminal antecedents of the petitioner, he on instructions has apprised the Court that the petitioner is not involved in any other criminal case much less a case of similar nature.

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

6. The petitioner has been in custody since 09.01.2023 and the trial shall take considerable time to conclude as charges have not yet been framed coupled with the fact that as many as 11 prosecution witnesses have been cited by the investigating agency. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to 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.

01.05.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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