

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-21032-2023

Decided on : June 01, 2023

KARNAIL SINGH @ GUJJAR

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (Oral)

1. By way of filing the instant petition under Section 439 of Cr.P.C., the petitioner has approached this Court seeking grant of regular bail in case F.I.R. No.59 dated 07.04.2022, under Section 379-B of IPC (Sections 411, 34 and 201 of IPC), registered at Police Station Division No.4 - Patiala, District Patiala.

2. The FIR in question was lodged at the instance of Rakesh Kumar, wherein it is alleged that on 1.3.2022 when he was going on foot to Hanuman Temple to pay obeisance and was near the light point of Sarhandi Gate, then at about 7:30 p.m. a white coloured car driven by an unknown driver stopped near him and the driver pushed him and snatched his mobile phone and sped away in his car. The complainant has stated therein that he had noted down the registration number of the car i.e. Honda City as HR-70-B-8445 and could identify the driver in case he is brought before him. Thus, on the basis of the statement of the complainant, FIR was registered.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case on the disclosure statement of co-accused namely Kamalpreet Singh, who has already been enlarged on regular bail vide order dated 04.07.2022 (Annexure P-3) passed by a Co-ordinate Bench of this Court. He submits that petitioner is in custody since 16.02.2023. He further submits that investigation in the present case is complete; *Challan* has been presented; charges have been framed and out of total 13 prosecution witnesses only 02 witnesses have been examined as yet and the trial may take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner further behind bars.

4. *Per contra*, learned State counsel, while filing the status report dated 04.06.2023 as well as custody certificate, opposes the prayer for grant of regular bail to the petitioner and submits that the petitioner had remained involved in another case i.e. FIR No.40 dated 21.03.2022, under section 379-B / 201 of IPC, Police Station Sadar Patiala, District Patiala, however, the said FIR has been quashed on the basis of compromise vide order dated 01.02.2023 passed in CRM-M-35313-2022 (Annexure P-4). However, he could not dispute that the co-accused namely Kamalpreet Singh has already been granted concession of regular bail; the investigation in the present case is complete; *Challan* has been presented; charges have been framed and out of total 13 prosecution witnesses only 02 have been examined as yet and the petitioner is in custody since 16.02.2023.

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

6. Keeping in view the custody of the petitioner, which is about 3 ½ months; co-accused namely Kamalpreet Singh has already been granted concession of regular bail; investigation in the case is complete; *Challan* has been presented; charges have been framed and out of 13 witnesses only 02

prosecution witnesses have been examined as yet and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed off accordingly.

June 01, 2023
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(NAMIT KUMAR)
JUDGE

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