

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22336-2023

Date of Decision: 19.10.2023

Premjeet Pashwan alias Prem

....Petitioner

VERSUS

State of UT, Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Neeraj Sharma, Advocate
for the petitioner.

Mr. Ankur Bali, APP, UT, Chandigarh

KARAMJIT SINGH, J.

Prayer in this 2nd petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.44 dated 6.3.2022 registered for the offences punishable under Sections 379-A, 411, 34 IPC at Police Station Sector 36, Chandigarh.

2. The allegations in nutshell as are recorded in the FIR are that 3 unknown persons snatched VIVO 1603 mobile phone from complainant- Rakhi and they fled away from there on 6.3.2022. During investigation, the petitioner was arrested on 17.7.2022.

3. Counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and is incarcerated for the last more than 1 year and 3 months and is already acquitted in other criminal cases. He further submits that it will take considerable time for the trial to terminate and as such, no fruitful purpose is going to be served by prolonging the judicial custody of the petitioner.

4. On the other hand, UT counsel, while resisting the present petition, submits that snatched mobile phone was recovered from the petitioner by the police at the time of his arrest. However, the State counsel, on instructions from ASI Surjit Singh, has not disputed the custody period of the petitioner and further submits that in all other criminal cases faced by the petitioner, he has been acquitted. State counsel has also not disputed the fact that the complainant has been examined during the trial and till date, only two witnesses stand examined out of total 12 witnesses on behalf of the prosecution.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, FIR in this case was registered against 3 unknown persons who allegedly snatched the mobile phone of the complainant. As per custody certificate furnished by the State counsel, the petitioner is in custody for the last more than 1 year and 3 months. Admittedly, the petitioner has been acquitted in all the other criminal cases which were faced by him. The complainant stands examined during the trial but it will take considerable time for the trial to conclude as till date, only 2 prosecution witnesses are examined. As the complainant stands examined, there is no apprehension that in case the petitioner is released from custody, he is going to influence her in any manner. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to

the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

October 19, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No