

2023:PHHC:067270

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-22578-2023

Date of Decision: 10.05.2023

SHASHI

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ajay Kumar Sharma, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No.28 dated 06.03.2023 under Sections 379-B and 411 IPC registered at Police Station Division No.4, Lahori Gate, Patiala.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contends that the FIR has been registered at the instance of complainant alleging the snatching of mobile phone. The FIR has been registered after a period of six days and later on, the complainant came to know the name of the snatcher as Sagar, co-accused. The petitioner has not been named in the FIR and he has been sought to be implicated on the basis of the disclosure statement of the co-accused. The petitioner is in custody for a period of 02 months and 01 day and he is not involved in any other such like case. The investigation of the case has been complete and challan has been presented in the Court.

4. Learned State counsel has opposed the bail application on the score that a mobile phone has also been recovered from the petitioner.

5. On a query, learned State counsel has submitted that there is no report with regard to theft of mobile phone which has been allegedly

recovered from the possession of the petitioner.

6. In the instant case, the FIR has been lodged after a period of six days and even the name of the petitioner has not been mentioned therein. The petitioner has been sought to be implicated on the basis of disclosure statement of co-accused, wherein, it has been mentioned that they have formed a gang and indulged in such like crime. There is lack of material to indicate that the petitioner was associating the co-accused at the time of snatching of mobile phone from the complainant. Moreover, the petitioner is not involved in any other such like case. The petitioner is in custody for a period of 02 months and 01 day. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. The investigation of the case is complete and challan has been presented. The conclusion of trial is likely to take some and no fruitful purpose will be served by detaining the petitioner in further custody.

7. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

10.05.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No