

2023:PHHC:068928

220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23349-2023

Date of Decision: 12.05.2023

PARAMJIT SINGH @ GOPI

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. B.D.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. 26 dated 23.04.2022 under Sections 379-B(2) and 34 IPC registered at Police Station Mattewal, District Amritsar Rural.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contends that as per the allegations in the FIR, on 18.04.2022, two unknown persons had inflicted *datar* blow on the left wrist and left shoulder of the complainant, snatched the mobile phone and diary containing important documents. The FIR has been lodged after a delay of 05 days and the complainant has alleged that later on, he came to know that the petitioner alongwith co-accused, Manpreet @ Manna, have committed the crime. It has been further submitted that the petitioner is in custody for a period of 09 months and 13 days. Though, he is an under-trial in a case under the NDPS Act but is on bail in that case. The petitioner is a convict in another case for having committed the offence under Section 224 IPC and has been imposed the sentence already undergone by him. The motorcycle allegedly used in the crime has been recovered from the co-accused. Nothing has been recovered from the petitioner in the instant case.

4. Learned State counsel has opposed the bail application on the score that the petitioner has been specifically named in the FIR. Out of 10, till date, no witness has been examined.
5. The petitioner is in custody for a period of 09 months and 13 days and till date, no witness has been examined. There is delay of 05 days in lodging the FIR and furthermore, no recovery of the alleged stolen property or the vehicle/weapon used in the crime has been effected from the petitioner. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.
6. 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.

12.05.2023
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(VIVEK PURI)
JUDGE

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