

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24372-2023
Date of Decision:04.07.2023

Akash ...Petitioner

VS.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat

Present : Mr. Kanwar Pahul Singh, Advocate
for the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.19, dated 08.04.2022 registered under Sections 379-B(2)-34-411 of IPC at Police Station Airport, District Amritsar.

During the course of Court proceedings, the custody certificate has been filed by the learned State counsel and the same is taken on record. A short reply by way of an affidavit of Assistant Commissioner of Police, Airport, Amritsar has also been filed and the same is also taken on record.

As per the prosecution story, the FIR in the present case was registered on the basis of the statement made by Rauf Mohammad against the petitioner and his co-accused with the allegations that at about 3:30/4.00 p.m. on 08.04.2022, the complainant had come from Goa to Amritsar in an Indigo Flight. After coming out from the Airport, he hired one Auto bearing registration No. PB-02-DY-4318 for a sum of Rs.300/- for the Golden Temple. When they reached near Hotel Radisson, the driver of the auto made to sit two

more young boys in the auto. When they went a little ahead, the aforesaid two persons sitting with driver stopped the auto rickshaw and took the complainant to a side. Thereafter, they had shown datar and asked the complainant to hand over whatever he was having with him. They snatched a small bag from him in which his mobile phone make Samsung Model A-9 Pro along with a sim and a cash amounting to Rs.57,000/- were there. The auto driver was proclaiming the names of other boys as Ashish Singh and Ajay Singh, whereas they both were addressing the auto driver as Akash Singh and they were all talking to each other. During investigation, on the basis of a secret information, the police arrested all the accused along with an amount of Rs.34,000/-.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and the recoveries have been planted upon him. He is the first offender and is not involved in any other case. He was arrested in the present case on 08.04.2022 and is in custody since then. The challan has been presented and the conclusion of the trial will take quite long time. Similarly placed other co-accused Ashish Singh and Ajay Singh have been granted the concession of regular bail by this Court.

On the other hand, learned State counsel has vehemently opposed the grant of concession of regular bail by contending that serious and specific allegations have been levelled against the present petitioner. However, learned counsel admits that no other case has been registered against him and the investigation has been completed.

I have heard the learned counsel for the parties and perused the record with their able assistance.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate/Chief Judicial Magistrate, concerned.

04.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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