

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

CRM-M-26158-2023

Date of Decision: 24.11.2023

BALDEV SINGH @ BILLU**... PETITIONER****V/S****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No.116 dated 11.06.2022, under Sections 379-B/511 IPC (Sections 411/482 and 34 IPC added later on), registered at Police Station Division No.7, District Jalandhar.
2. Custody certificate has been taken on record.
3. Briefly, the FIR has been registered on the receipt of the secret information to the effect that the petitioner along with the co-accused Lakhvir Singh @ Sonu are in the habit of snatching and proceeding towards Golden Avenue on a motor-cycle. Accordingly, a naka was raised and the petitioner along with co-accused were apprehended.
4. Learned counsel for the petitioner contends that the FIR has been lodged on the basis of false suspicion only. There is nothing to indicate that the petitioner had snatched or made an attempt to snatch anything. As per the version of the prosecution, a toy pistol and motor-cycle

with fake number plate was recovered. Besides, the disclosure statement of the petitioner and the co-accused indicated that they had snatched articles of two ladies. One of the ladies during the course of trial, has not supported the prosecution version and has not stated anything incriminating against the petitioner. The petitioner, though involved in other cases, but has been acquitted in cases mentioned at Sr. No. 2(i), 2(ii), 5(i), 5(ii) and is under trial in cases at Serial No.2(iii), 5(iii) and 5(iv) as reflected in the custody certificate dated 27.05.2023. It has been further submitted that the petitioner was convicted in a case under Section 379B IPC in terms of the judgment dated 07.06.2017 and the sentence imposed upon him has been suspended and he has been released on bail on 27.03.2019. The petitioner is in custody for a period of 1 year, 5 months and 10 days and conclusion of trial is likely to take some time.

5. Learned State counsel has submitted that out of 11, only 2 witnesses have been examined and petitioner is involved in other cases.

6. Be that as it may, in the instant case, the arrest of the petitioner has been effected only on the basis of secret information. It will be a debatable and moot point during the course of trial as to whether the petitioner had attempted to or had been indulging in snatching. Although, the petitioner is involved in 7 other cases but as per the version of learned counsel for the petitioner, he has been acquitted in 4 cases and undertrial in 3 cases. Besides, in one of the cases, the petitioner is stated to have been convicted but his sentence has been suspended. One of the witnesses from whom the petitioner had allegedly snatched some articles has not supported the prosecution version. Still 9 witnesses remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose would

be served by detaining the petitioner in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

24.11.2023

Janki

**(VIVEK PURI)
JUDGE**

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