

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-25864-2023

Date of Decision:-16.08.2023

Pardeep Kumar.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ketan Chopra, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.44 dated 31.03.2023 under Sections 379-B, 411 IPC registered at Police Station Division No.1, Ludhiana.

2. The brief facts of the case are that while the police party was on patrolling duty secret information was received that the petitioner used to snatch mobile phones by threatening innocent people with sharp edged weapons. On that day the petitioner was coming with a weapon from the side of the railway station to commit snatching, extortion etc., near the local *Adda* and if a *naka* was set up the petitioner could be apprehended with snatched mobile phones and weapons. Accordingly the instant FIR came to be registered.

Information was also given that the petitioner had snatched one mobile phone from a youngster near the local *Adda* and if a *naka* was set up opposite Rekhi Chowk Taxi Stand the petitioner could be apprehended. A

naka was laid where the petitioner came on foot. He was apprehended and during his search one snatched mobile phone was recovered from his pocket. He disclosed that he had snatched the said mobile phone from a person near the local *Adda* by threatening him. One *Kirch/knife* was also recovered from him.

During investigation the owner of the abovesaid snatched mobile phone Mohd. Sadaam was joined in the investigation and he duly identified the petitioner along with his phone.

3. The Counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. The mobile phone and *Kirch* have been planted upon him. As the petitioner was in custody since 31.03.2023, none of the 08 prosecution witnesses had been examined so far and he had been granted the concession of bail in the two other cases registered against him, he was entitled to the concession of bail in the present case as well.

4. The Counsel for the State on the other hand contends that allegations against the petitioner do not entitle him to the grant of bail. Even otherwise he has criminal antecedents with two other cases registered against him bearing FIR No.44 dated 03.03.2021 under Section 21 of NDPS Act P.S. Tibba, Ludhiana and FIR No.28 dated 11.02.2023 under Sections 457, 380 IPC P.S. Division No.1, Ludhiana. He however concedes that petitioner is in custody since 31.03.2023, none of the 08 prosecution witnesses had been examined so far and in the two other cases registered against him, he has been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be established during the course of the Trial. Admittedly the petitioner is in

custody since 31.03.2023 and none of the 08 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation his further incarceration is not required more so when in the two other cases he has been granted the concession of bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Pardeep Kumar** son of Sh. Krishan Lal is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 16, 2023
Vinay

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