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

CRM-M-28222-2023

Date of decision: 03.07.2023

Prince @ Begi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mukesh Kumar Bhatnagar, Advocate for the petitioner.

Mr. Sanjeev Soni, Addl. A.G. Punjab.

VIKAS BAHL, J. (ORAL)

1. This is the second petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.39 dated 04.04.2019 registered under Sections 379-B, 34, 201, 411 of Indian Penal Code, 1860 at Police Station E-Division, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner is in custody since 16.04.2022 and the investigation is complete and challan has been presented and there are 18 prosecution witnesses, out of which, none have been examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and the recovery of mobile phone which was snatched from the complainant has been effected from the

co-accused Ajay and the same has not been effected from the present petitioner and thus, no useful purpose would be served by keeping the petitioner in further incarceration.

3. On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted on instructions from Manjit Singh, that as per the case of the prosecution, the petitioner had ran away from the spot and was declared Proclaimed Offender and was arrested on 16.04.2022 and thus, he does not deserve the concession of regular bail.

4. Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner undertakes to appear before the trial Court on each and every date if he is released on bail.

5. Keeping in view the abovesaid facts and circumstances more so the fact that the petitioner is in custody since 16.04.2022 and investigation is complete and challan has been presented and out of 18 prosecution witnesses, none have been examined as yet and thus, the conclusion of trial is likely to take time and also the fact that the petitioner is stated to be not involved in any other case and the fact that the recovery of mobile phone has not been effected from the petitioner and also the fact that the petitioner undertakes to appear on each and every date of hearing before the trial Court unless his personal appearance is specifically exempted by the trial Court, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate, subject to him not being required in any other case.

6. However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses or does not comply with abovesaid conditions, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

7. Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

03.07.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No