

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

**CRM-M-27204-2023
DECIDED ON: 02.06.2023**

MANPREET KUMAR @ KAKA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ketan Chopra, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.254, dated 10.10.2022, under Sections 379-B(2) and 34 of IPC (Sections 379 and 411 of IPC added later on), registered at Police Station Division No.5, Ludhiana.

Learned counsel for the petitioner contends that the allegations against the petitioner and other co-accused are qua snatching of mobile phone under advancing threats with a sharp edged weapon.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 7 months and 21 days. He opposes the prayer made in the instant petition stating that the petitioner is involved in one other case bearing FIR No.240 dated 10.11.2018, under Section 395 of IPC, registered at Police Station Sadar Ludhiana, however, could not controvert the fact that he is on bail in that case.

Having heard counsel for the respective parties, it is evident that the petitioner is on bail in the other FIR and has suffered reasonable custody period i.e., 7 months and 21 days for an offence under Section 379-B(2) of IPC with the allegation of snatching of mobile phone along with the other co-accused persons namely Akash and Rahul, who are the main culprits and actually named the present petitioner subsequently during the course of interrogation. In fact, no incriminating material could be shown to this Court to implicate the petitioner with the commissioning of offence and also considering the custody, wherein the trial is likely to take long time, nothing is to be recovered from the possession of the petitioner, as investigation is complete, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would tantamount to violation of Article 21 of the Constitution of India.

In view of the discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

02.06.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>