

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

213

**CRM-M-34208-2022
Date of decision: 09.01.2023**

Deepak

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.183 dated 04.10.2021 lodged under Sections 379-B and 34 of the IPC (Section 411 IPC added lateron) registered at Police Station Daresi, District Ludhiana.

Learned counsel for the petitioner while inviting the attention of this Court to the allegations levelled in the FIR, submits that though an information had been received by the police to the effect that the petitioner along with co-accused had been apprehended by public, however, it was also a matter of record that no recovery much less of the mobile phone allegedly snatched by the petitioner from a lady was effected from him. Learned counsel submits that the petitioner has been in custody since 04.10.2021 and till date only challan stands presented. Hence, there is no likelihood of the trial concluding in the near future and further incarceration of the petitioner in the circumstances, would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert the factual aspect of the submissions made by the counsel opposite that no recovery much less of any mobile phone allegedly snatched by the petitioner from a lady, was effected from the petitioner. He, however, submits that the petitioner is involved in another similar case which was registered prior in time to the FIR in question.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody for almost one and a half years having been arrested on 04.10.2021 and the trial will take considerable time to conclude as charges have yet not been framed. Hence, in the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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