

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

224

2023:PHHC:099769

CRM-M-33384-2023

Date of decision: August 3rd, 2023

Sunny

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kuljit Singh, Advocate
for the petitioner.

Mr. H.S. Sullar, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.106 dated 25.12.2022 under Sections 323, 341, 379-B, 34 of the Indian Penal Code, 1860 registered at Police Station Maloud, Police District Khanna, District Ludhiana.

2. Learned counsel for the petitioner submits that after the petitioner was arrested on 28.12.2022, the trial had not made much progress as none of the ten prosecution witnesses had been examined till date. It has been further submitted that both the co-accused, who were allegedly accompanying the petitioner when the mobile phone and money of the complainant was snatched, had been released on bail vide order dated 01.06.2023 and 07.07.2023. It has also been submitted that only role attributed to the petitioner in the occurrence in question was that at the relevant time, he was riding the motorcycle on which the co-accused who allegedly snatched the mobile and money from the complainant were pillion riding.

3. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert that both the co-accused, who were active participants in the commission of offence had been extended the concession of bail by this Court vide order dated 01.06.2023 and 07.07.2023. He further submits that thought there is no specific attribution to the petitioner, however, both the co-accused were pillion riding behind him when the crime in question was committed.

4. On a pointed query to the learned counsel as to whether the petitioner is involved in any criminal case, he on instructions, has replied in the negative.

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

6. The petitioner has been in custody since 28.12.2022. The investigation is complete and charges also stand framed. The prosecution evidence is due to commence on 09.08.2023. There is thus no likelihood that the trial could conclude anytime in the near future.

7. 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.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

August 3rd, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No