

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

219

2023:PHHC:115756

CRM-M-32939-2023

Date of decision: September 4th, 2023

Raj Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gaurav Partap S. Pathania, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.56 dated 16.06.2023 lodged under Sections 452, 379-B, 511 of the Indian Penal Code, 1860 at Police Station Division No.1, District Pathankot.

Custody certificate has been filed in Court, which is taken on record.

Learned counsel for the petitioner submits that as per the admitted case of the complainant, no article much less any piece of ornament, was snatched from his person. Learned counsel submits that after the petitioner was arrested on 16.06.2023, the investigation had been completed and even final report under Section 173 (2) Cr.P.C. stood presented before the trial Court. It has further been submitted that since ten prosecution witnesses have been cited and charges have still not been framed, hence, trial would take considerable time to conclude. Hence, further incarceration of the petitioner in the above circumstances would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite, has submitted that the FIR

was registered promptly. The petitioner was specifically named by the complainant therein. No doubt, the petitioner did not snatch any article belonging to the complainant but an unsuccessful attempt was made by the petitioner, who was armed with a *datar* and an electric wire. Learned State counsel has, however, not disputed that the challan stands presented. It has also not been disputed that the petitioner is not involved in any other criminal case, much less a case of similar nature.

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

The petitioner has been in custody since 16.06.2023. Challan stands presented. However, the trial is unlikely to conclude in the near future as charges are likely to be framed on the next date of hearing before the trial Court.

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.

September 4th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No