

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33079-2023 (O&M)
Date of Decision: 18.07.2023

Sarabjit Singh @ Sabi

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.P. Kaushal, Advocate, for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.166 dated 04.12.2022, under Sections 379-B and 34 IPC and Section 411 IPC added later on, registered at Police Station Jodhewal, Ludhiana, District Mansa.

2. Learned counsel for the petitioner has submitted that it is a case where the petitioner has already faced incarceration for 7 months and investigation of the case has already been completed and thereafter report under Section 173 Cr.P.C has already been presented before the competent Court. He submitted that the allegations were pertaining to snatching of one mobile phone allegedly by the petitioner and one other co-accused. He submitted that it was because of personal enmity and that was the reason as to why the name of the petitioner has been mentioned in the FIR itself. He further submitted that petitioner is not involved in any other case and has got clean antecedents and therefore, the petitioner may be considered for the

grant of regular bail since the trial of the case may take long time.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the petitioner is not a habitual offender and is not involved in any other case. He has however submitted that the petitioner and the other co-accused have snatched a mobile phone from the complainant and therefore, the petitioner does not deserve the concession of regular bail.

4. I have heard the learned counsel for the parties.

5. The subject matter of the present theft is only one mobile phone. The petitioner is stated to be not involved in any other case. The investigation of the case has already been completed. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

18.07.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No