

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

(220)

CRM-M-33726-2023

Date of decision: - 20.07.2023

Prabhjot Singh @ Prabha**....Petitioner****Versus****State of Punjab****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Davinder Bir Singh, Advocate,
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.93 dated 16.04.2022, under Sections 379-B and 34 IPC (Sections 411 and 473 IPC have been added later on), registered at Police Station Division No.5, District Police Commissionerate, Ludhiana.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody since 16.04.2022 and investigation is complete and challan has been presented and there are 13 prosecution witnesses, out of which, only two have been examined and thus, the trial is likely to take time. It is further submitted that the previous bail application of the petitioner was withdrawn on 15.07.2022 and thereafter, sufficient period of time has lapsed and yet the trial has not been concluded and thus, the same entitles the petitioner to file the present petition. It is further

submitted that the petitioner is not involved in any other case and the recovery of the mobile phone has been effected from the co-accused and since the said recovery has already been effected, thus, no purpose would be served by keeping the petitioner in further incarceration.

4. Learned State counsel, on instructions from HC Rakesh Kumar, has opposed the present petition for grant of regular bail and has submitted that in the present case, as per the case of the prosecution, the complainant has identified the petitioner and the petitioner and the co-accused had snatched the mobile phone of the complainant and they were apprehended at the spot.

5. This Court has heard the learned counsel for the parties and has perused the paper book.

6. Keeping in view the above-said facts and circumstances, more so, the fact that the petitioner is in custody since 16.04.2022 and out of 13 witnesses, only two have been examined as yet and thus, the trial is likely to take time and the petitioner is not involved in any other case and also the fact that the recovery of the mobile phone has been effected from the co-accused, thus, no purpose would be served by keeping the petitioner in further incarceration, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

7. However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

8. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

July 20, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No