

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

203

CRM-M-33935-2023 (O&M)

Decided on : November 16, 2023

GOPI @ GANDHI

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. M.S. Bedi, Addl. A.G., Punjab.

NAMIT KUMAR, J. (Oral)

1. By way of filing the instant petition under Section 439 of Cr.P.C. , the petitioner has approached this Court seeking grant of regular bail in case F.I.R. No.240 dated 28.11.2021, under Sections 379-B & 34 of IPC (Section 411 of IPC added subsequently), registered at Police Station Sujanpur, District Pathankot.

2. The facts leading to filing of this petition are that an FIR was registered on the statement of complainant Shobha Rani with the allegations that on 28.11.2021 she went to the street for walk and when she was returning to her home and reached near Puri Hospital at around 04.30 P.M., then two unknown persons came from her backside. One person covered his mouth with his hand and driver of motorcycle snatched her gold Topas along-with Bagga weighing about 1.5 Tolla and fled away. Thereafter, she told the entire incident to her family. Her son Umesh Kumar took her to Doctor Gautam Clinic, Ghas Mandi for treatment.

On the basis of aforesaid statement of the complainant, the present FIR was

registered against unknown person .

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case, as he was not named in the FIR and has been nominated on the disclosure statement of co-accused-Jatin Kumar @ Janu, who has already been acquitted by the court of learned Sessions Judge, Pathankot, vide judgement dated 01.11.2022 (Annexure P-2) passed in Sessions Case No.10 of 28.03.2022 titled as '*State versus Jatin Kumar alias Janu*'. He further submits that petitioner is in custody for the last 08 months and 05 days; no recovery has been effected from him and he is not involved in any other case. He further submits that investigation in the present case is complete; *Challan* has been presented; charges have been framed on 16.08.2023 and out of total 10 prosecution witnesses none has been examined as yet. He further submits that trial may take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner further behind bars and he may be enlarged on regular bail.

4. *Per contra*, learned State counsel, while placing on record the custody certificate and Status report by way of affidavit dated 15.11.2023 of Mr. Rajinder Singh, PPS, Deputy Superintendent of Police, Sub Division-Dhar Kalan, Pathankot, on behalf of the respondent-State, opposes the prayer for grant of regular bail to the petitioner and submits that keeping in view the seriousness of the allegations against the petitioner, he is not entitled for regular bail. However, he could not dispute that the petitioner is not involved in any other case; investigation in the present case is complete; *Challan* has been presented; charges have been framed and out of total 10 prosecution witnesses none has been examined and the petitioner is in custody since 08 months and 05 days.

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

6. Keeping in view the custody of the petitioner, which is more than 08 months; he has been named in the disclosure statement of co-accused, who already stood acquitted; no recovery has been made from the petitioner; investigation is complete; *Challan* has been presented; charges have been framed and out of 10 prosecution witnesses, none has been examined as yet; petitioner is not involved in any other case and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.
7. The petition stands disposed off accordingly.
8. All pending application(s), if any, shall stand disposed of.

November 16, 2023
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(NAMIT KUMAR)
JUDGE

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