

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-36057-2022

Date of Decision: 05.01.2023

Davinder Singh @ Kaku @ Kalu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Yajur Sharma, Advocate for
Mr. G.S. Bawa, Advocate for the petitioner.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 04.01.2023 filed by learned counsel for the State, is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 65 dated 21.02.2022 registered under Sections 379-B read with Section 34 IPC at Police Station Maqboolpura, Amritsar, District Police Commissionerate, Amritsar.

Briefly, the aforesaid FIR was registered on 21.02.2022 on the basis of statement of complainant Manoj Kumar to the effect that on 21.02.2022, he had gone to Focal Point Market for purchasing household articles. In the meantime, two persons came from behind on Platina Motorcycle bearing registration No. PB-02-DW-6437 and snatched away his Huawei mobile having SIM Nos. 9877003193 (Jio) and 888783633

(Airtel). He raised hue and cry but the assailants were not apprehended. He stated that he knew both the snatchers, namely, Davinder Singh S/o Gurcharan Singh of Subhash Colony and Manpreet Singh S/o Baldev Singh, as they used to wander in the area. After snatching the mobile phone, the assailants fled away from the spot towards canal side. During investigation, the police apprehended both the assailants on the same day near Taran Wala Pull and on interrogation, they disclosed their names as Davinder Singh S/o Gurcharan Singh and Manpreet Singh S/o Baldev Singh. From the personal search of co-accused Manpreet Singh, the snatched mobile was recovered and the same was taken into police possession.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case. The alleged snatched mobile of the complainant was recovered from the personal search of co-accused-Manpreet Singh @ Monu, who has already been released on regular bail by the trial Court vide order dated 01.07.2022 (Annexure P-2). The petitioner is not involved in any other case. The petitioner is in custody since 21.02.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, treating the case of the petitioner on the same parity as that of his co-accused, he may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case and treating the case of the petitioner on the same parity as that of his

co-accused, namely; Manpreet Singh @ Monu, who had been released on regular bail by the trial Court vide order dated 01.07.2022 (Annexure P-2) and also the fact that the petitioner is not involved in any other case, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Davinder Singh @ Kaku @ Kalu, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

January 05, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No