

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

CRM-M-34464-2023

Date of decision: 24.07.2023

Sunny Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S. Verma, Advocate
for the petitioner.

Mr. Harsimran Singh Sitta, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.81 dated 09.05.2023 under Sections 379-B and 34 of the Indian Penal Code, 1860 registered at Police Station Moti Nagar, District District Ludhiana.

2. Learned counsel for the petitioner *inter alia* contends that as per allegations levelled in the FIR, the petitioner along with 02 others allegedly snatched a mobile along with wallet containing ₹4,000/- from the person of the complainant on 07.05.2023. He submits that though the occurrence in question took place on 07.05.2023, however, no complaint was made against any person much less against the petitioner and it was 02 days thereafter the complainant lodged the FIR in question wherein he stated that after the occurrence in question he had made his own enquiries and learnt that the petitioner was involved in the alleged snatching. Learned counsel submits that the petitioner is innocent which is evident from the fact that he has clean

antecedents and is not involved in any other criminal case much less a case of similar nature. It has also been submitted that after the petitioner was arrested on 10.05.2023 investigation is complete as final report under Section 173(2) of the Cr.P.C. stands presented.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute that the FIR in question came to be registered after 02 days of the alleged snatching. He, however on instructions, submits that the mobile snatched from the complainant was recovered from the petitioner which left no manner of doubt qua the involvement of the petitioner in the occurrence in question. Learned State counsel has, however, not been able to controvert the submissions made by the counsel opposite qua the petitioner not being involved in any other criminal case much less a case of similar nature. It has further been submitted by the learned State counsel that after the challan was presented on 07.07.2023, next date fixed before the Trial Court is 03.08.2023 when charges are likely to be framed.

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

5. The petitioner has been in custody since 10.05.2023. Investigation in the case in hand is complete, however, charges have still not been framed. The trial will take considerable time to conclude, hence, further incarceration of the petitioner will not serve any useful purpose. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

24.07.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

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