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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M No. 36080 of 2023  
Date of Decision: 12.09.2023

LAKHWINDER SINGH @ LUCKY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Rahul Bhargava, Advocate  
for the petitioner.

Mr. Harpreet Singh, Addl. A.G, Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1) :-

| FIR No. | Dated      | Sections      | Police Station       |
|---------|------------|---------------|----------------------|
| 157     | 22.05.2023 | 379-B, 34 IPC | B-Division, Amritsar |

2. Brief facts of the case are that FIR has been registered on the complaint of Kuldeep Kaur stating that she was standing outside her house where three unknown persons came on scooter and snatched her mobile

phone and fled away, on the basis of which the present FIR was registered.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that initially FIR was lodged against unknown persons by the complainant and no mention of the description of the snatchers has been there and the present petitioner has been nominated on the basis of the alleged disclosure statement made by co-accused Kulwinder Singh in another case FIR No. 147 dated 16.05.2023, registered at Police Station B-Division, Amritsar, which has no evidentiary value. He submitted that the petitioner is in custody since 30.05.2023, challan has been presented on 09.08.2023 and as such he prayed for grant of bail.

4. On the other hand, learned State counsel has contested the bail application by vehemently arguing that the petitioner is not entitled to bail taking into consideration the nature and gravity of offence. He submitted that the petitioner is also involved in one more case.

5. After considering the rival contentions and perusing the record, it transpires that as per the version of the complainant some unidentified person had snatched her mobile phone. During investigation the present petitioner was nominated on the disclosure statement of co-accused and arrested in this case on 30.05.2023. The mobile phone has been recovered from the house of the petitioner. Challan has already been presented in Court and the charge has been framed. The conclusion of trial will take sufficient time and no purpose would be served by keeping the petitioner any longer.

6. Consequently, in the light of the above discussion, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)  
JUDGE

12.09.2023  
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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |