

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

218

CRM-M-38865-2022

Date of decision : 28.02.2023

Soham @ Nikku @ Launda

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

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.50 dated 17.04.2022 registered under Sections 379-B and 34 of the Indian Penal Code, 1860 at Police Station Mohkampura, District Amritsar.

The above-said FIR was registered on the statement made by complainant-Surinder Kumar alleging that on 17.04.2022 when he was going from the side of Jaura Phatak towards his house on his cycle, 02 persons came from behind and snatched his ITEL Mobile and ran away. He heard their names Saajan and Loda.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Nothing has been recovered from the petitioner. Co-accused Sajan @ Padhi from

whom the mobile phone was recovered has already been granted bail vide order dated 21.02.2023 passed by the trial Court. The petitioner is in custody since 09.05.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition in terms of reply dated 28.10.2022 which is already in record and submits that the petitioner along with his co-accused has snatched the mobile phone from the complainant. The antecedents of the petitioner are also not good and he is also involved in 02 other cases.

Custody certificate dated 25.02.2023 has been filed by learned State counsel in the Court today which is taken on record. As per the custody certificate, the petitioner is in custody since last more than 09 months.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that co-accused Sajan @ Padhi from whom the alleged mobile phone was recovered has already been granted bail by the trial Court and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Soham @ Nikku @ Launda is ordered to be released on regular bail

subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other criminal activity during the period of bail.

28.02.2023

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(ASHOK KUMAR VERMA)
JUDGE

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