

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(214)

2023:PHHC:100833
CRM-M-36943-2023
Date of Decision: 04.08.2023

Vicky Kumar @ Vicky Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE PANKAJ JAIN.

Present:- Mr. Kamaldeep S. Sidhu, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN.J (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.81, dated 13.4.2022, registered for the offence under Sections 325, 323, 34 IPC (Sections 379B and 201 IPC added later on), registered at Police Station City Muktsar, District Sri Muktsar Sahib.

2. As per the allegations levelled in the FIR, it has been alleged as under:-

“On 08.10.2021 at about 9.00 PM, I came out from the car to park it inside the service station and was opening the gate then three boys came to me who were on a black colour Splendor motorcycle. Out of above said boys, I have seen one person namely Vicky many times, who was armed with baseball and he started arguing to me and I asked about the reason then he gave a blow to me with the baseball he was holding in his hand. I tried to get back to save myself then the said baseball blow hit on the right side of my head, on forehead. The persons who had come with him pushed me and threw me on the ground and then another unknown young man, who was armed with wooden stick, gave blows with his wooden stick to me and the person who was empty hand, had started

beating me by giving kick blows. I raised noise of "Marta Marta", then on seeing the public gathering, the above said persons ran away from the spot and also took my phone with them, which is of Samsung company and Rs. 9500/- was kept in the cover of said mobile phone which they took with them. Then I got up and went to my house and my father Manjit Singh had arranged vehicle and got me admitted in civil Hospital, Sri Muktsar Sahib where the doctors are giving me treatment. Legal action be taken against the accused persons."

3. Learned counsel for the petitioner contends that apart from the offence punishable under Section 379-B IPC, all other offences are bailable and keeping in view the allegations levelled in the FIR, wherein the motive attributed is qua old enmity and not an intent to commit theft, it is highly debatable as to whether the offence of snatching under Section 379-A IPC would be made out at all. Counsel submits that petitioner is behind bars since 15.4.2023. Investigation already stands concluded, challan stands presented and thus it is highly improbable that the petitioner can tamper with any evidence.

4. Learned State counsel is not in a position to dispute the aforesaid factual assertion.

5. Consequently, the present petition is allowed. Without commenting on the merits of the case, the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

04.08.2023

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