

CRM-M-39592-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 21.08.2023

Raju

....Petitioner

V/s

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. VishvaBahl, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG Punjab.

ARUN MONGA, J. (Oral)

After being declined bail by the trial Court, petitioner before this Court seeks his release as an undertrial in a case bearing FIR No.0103 dated 26.11.2022 (Annexure P-1), registered under Sections 379-B(2) read with Section 34 and 411 (added later on) of the Indian Penal Code, 1860 (for short 'IPC') and at Police Station, Verka, District Amritsar.

2. Per prosecution version, on 26.11.2022, at about 3.00/3.30 p.m., two boys, wielding a knife, came on a motorcycle and pushed complainant Ranjit Kaur and snatched her mobile phone. An FIR was registered. During investigation, name of the petitioner also surfaced. Allegation is that he helped the prime accused (two boys) by lending his motorcycle to commit the crime in question. Petitioner was, thus, arrested as a suspect on 26.11.2022 and Section 411 IPC was also added as the it turned out to be a stolen motorbike. He is in custody since then.

3. At the outset, learned counsel submits that the prime accused has been accorded the concession of regular bail by this Court vide order dated 18.07.2023 passed in CRM-M-17736-2023, as per order contained at Annexure P-3. Further submits that though petitioner is involved in one another case but was accorded

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the concession of bail in that case. He has been falsely implicated in the present case. He submits that investigation is complete and further custodial interrogation of the petitioner is not required. There is no evidence against the petitioner. Nothing is to be recovered from him.

4. Per contra, learned State counsel, on instructions from ASI Sahib Singh, opposes the bail petition. If enlarged on bail, petitioner may temper with the evidence and/or influence the witnesses. She, however, does not controvert the factual position regarding his being on bail in the other case he is involved in.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Allegations against petitioner are a matter of trial at this stage. Trial has commenced and out of 15 prosecution witnesses cited by the prosecution, none has been examined. Trial is thus still likely to take long time as it is proceeding at a snail pace. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for the past more than 08 months in preventive custody, being in custody since 26.11.2022.

7. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses. There is no probability of tampering with evidence as the same has already been seized by the investigating agency.

8. Petitioner is stated to be 23-year young boy having parents to look after who are totally depended on him. Being a family person and having fixed abode, it is unlikely that petitioner poses a flight risk and/or will flee from trial proceedings.

9. Co-accused of the petitioner has also been granted the concession of bail by this Court.

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10. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

12. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

13. It is made clear that any observations and/or submissions noted herein above shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned Trial Court shall proceed without being influenced with this order.

14. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 21, 2023
Ajay

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