

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222-A

CRM-M-43277-2022

Date of Decision: 18.01.2023

Harpeet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. K.B.S. Mann, Advocate for the petitioner.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 16.01.2023, filed by learned counsel for the State is taken on record.

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. 121 dated 23.06.2022 registered under Sections 379-B, 148 and 149 IPC (Section 411 IPC was added later on) at Police Station Sadar Fazilka, District Fazilka.

As per prosecution story, the aforesaid FIR was registered at the instance of complainant-Suresh Kumar on the allegations that on 17.06.2022 at about 9:30 P.M., after closing his laboratory was returning to his village Behak Khas on his motorcycle bearing registration No. PB-22-F-8679. When he reached at bus stop G.T. Road, Behak Khas and

turning towards the link road of his village, he was intercepted by two persons on motorcycle who kicked him and due to this, he fell from the motorcycle. Thereafter, 4-5 other persons with muffled faces and armed with sticks and kirpans, reached at the spot. One of the assailants snatched the bag from the left hand of complainant and also tried to snatch his motorcycle. The complainant raised hue and cry, upon which the assailants threatened him that they will fire a gun shot at him. Due to fear, the complainant left his motorcycle. Thereafter, the assailants committed theft of mobile phone of the complainant as well his wallet containing Rs.10,000/- currency notice and also snatched his motorcycle and ran away from the spot. The petitioner was named in the present FIR on the basis of supplementary statement suffered by him.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present FIR. There is inordinate and un-explained delay of 06 days in lodging the aforesaid FIR. Initially, the present FIR was registered against some un-known persons. However, on the basis of supplementary statement of the complainant, the petitioner along with his co-accused was falsely implicated in the present case. He is not involved in any other case. Nothing has to be recovered from the petitioner. The petitioner is in custody since the date of his arrest. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody.

On the other hand, learned State counsel has opposed the

present petition. However, he fairly conceded the fact that the petitioner is not involved in any other case.

Keeping in view the facts and circumstances of the case and the fact that he is not involved in any other case, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Harpreet Singh, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

January 18, 2023
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(ASHOK KUMAR VERMA)
JUDGE

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