

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-44727-2022

Date of Decision:-20.03.2023

Kamal Kumar.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. P.S. Sekhon, Advocate for the Petitioner.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.42 dated 27.03.2022 under Sections 379-B, 411 IPC (added later on), registered at Police Station Bullowal, Hoshiarpur.

2. The instant FIR came to be registered on the statement of Suresh Kumar who stated that he was a vegetable seller. On 27.03.2022 while he was eating his food opposite the Gurudwara, two persons came on a motor cycle bearing registration number PB-07-AA-2329. They stopped the same near him (complainant). The unknown pillion rider caught him and started punching him whereas the driver of the motor cycle-Kamal Kumar (petitioner) took Rs.5000/- from his (complainant's) pocket and snatched one mobile phone brand Redmi. The motor cyclist was Kamal (petitioner) son of Dilbagh Singh and he (complainant) could identify the second unknown person, if he came in front of him (complainant). Thus, Kamal and the unknown person had beaten him and snatched Rs.5,000/- and a mobile phone.

3. The Counsel for the petitioner contends that petitioner has been falsely implicated in the present case. The recovery of a mobile phone, motor cycle and Rs.1500/- has been shown from him. Since the petitioner

was in custody since 28.03.2022 and none of the 12 prosecution witnesses had been examined so far, he was entitled to the grant of bail being a first time offender.

4. The Counsel for the State on the other hand contends that the nature of allegations levelled against the petitioner did not entitle him to the grant of bail. He however does not deny the period of custody undergone by the petitioner as also the fact that he is a first time offender.

5. I have heard Counsel for the parties.

6. The culpability of the petitioner shall be adjudicated upon during the course of the Trial. The petitioner is stated to be in custody since 28.03.2023 and none of the 12 prosecution witnesses have been examined so far. He is also a first time offender. Therefore, his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Kamal Kumar** son of Sh. Dilbagh Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 20, 2023
Vinay

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