

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

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**CRM-M-42580-2023
Date of decision : 01.09.2023**

Balwinder Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Imaan Singh Khara, 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.89 dated 04.05.2023, registered for offences punishable under Sections 379-B, 379 and 34 of IPC, 1860 (Section 411 of IPC added later on vide DDR No.50 dated 04.05.2023), at Police Station Canal Colony, District Bathinda.

2. As per the contents of the FIR, it has been alleged as under:-

“To The S.H.O. Police Station Canal Colony, Bathinda. Fateh, Today, ASI, along with Sr. Constable Jaskaran Singh No.448/BTI & PHG Rajinder Kumar No.10310, on private car, in connection with patrolling & checking of suspected persons, were present at Paras Ram Nagar Chowk, Bathinda, with a special informant gave me intimation to the effect that one Balwinder Singh son of Mohan Singh, resident of Barma Basri, Ward No. 08, Bhucho Mandi in connivance with Prem Kumar @ Shooter son of Som Dev, resident of Street No. 5/11, Jogi Nagar, Bathinda and other co-accused are having formed

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a gang, who are indulged in snatching Mobile Phone etc. from the passersby and then further sell out the same to their associates. They mainly remain active in crowdly locations, Railway Station, Bathinda etc. They are also indulged in committing theft of Motorcycle etc. and further sell out the same. Today, said Balwinder Singh & Prem Kumar @ Shooter are present on a stolen Motorcycle make Splender Plus, without having any registration number, near Over Bridge, situated at Railway Station and are roaming there in order to snatch Mobile phone from passersby. If raid is conducted right now, they can be nabbed with robbed Mobile phones. The said intimation is sound & reliable, from which, an offence punishable U/s. 379-B, 379, 34 IPC is made out. Hence written intimation is being sent to Police Station through PHG Rajinder Kumar No. 10310 for getting registered F.I.R. Case be registered and its number be intimated. An Intimation be given to the District Control Room. I, A.S.I., alongwith fellow officials is busy in conducting further investigation at the spot. Sd/- ASI Akshay Kumar, Police Station Canal Colony, Bathinda. Date: 4.5.2023. Today at Paras Ram Nagar Chowk, Bathinda at 9:00 AM. Today at Police Station: On receipt of written intimation, the above noted case under above mentioned offence is registered against said accused. Entry is being made in record. Intimation is being sent to the District Control Room. Copies of F.I.R are being sent to Ld. Illaqa Magistrate & senior officers through Constable Sukhdeep Singh 275/BTI. A copy of F.I.R. alongwith original written intimation is being sent to ASI Alashay Kumar 469/BTI at the spot through coming PHG Rajinder Kumar No.10310 for conducting further investigation.”

3. Counsel for the petitioner submits that even if the contents of the FIR are taken on its face value, the same would not constitute any offence. The petitioner is behind bars since 04.05.2023. Challan already stands presented and trial has proceeded considerably. 03 material witnesses already stands examined.
4. The aforesaid factual assertions on the basis of record are not controverted by the State counsel.
5. Keeping in view the above facts and circumstances, the present petition is allowed. 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

01.09.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No