

218

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.43197 of 2023

Date of decision:- 19.12.2023

MANDEEP SINGH @ NAVI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Ravi Malhotra, Advocate for
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned counsel for the State filed custody certificate dated 18.12.2023 the same is taken on record, copy supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
0065	30.03.2023	379-B(2) and 34 IPC	Tibba, District Police Commissionerate Ludhiana

3. Heard.

4. The allegations against the petitioner in nutshell is that on the basis of secret information the petitioner and co-accused Kala were apprehended by the police and on the basis of disclosure statement one knife and motorcycle were recovered from the petitioner while two mobile phones and one scooter were recovered from co-accused Joginderpal @ Kala.. The petitioner is in custody since 30.03.2023.

5. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, and there is no identical case pending against him. He submits that false case has been planted on the petitioner and the recovery of the motorcycle has been shown which infact belongs to the neighbour of the petitioner who is neither the complainant nor witness in the case. He submits that challan has already been presented in Court and hence prays for grant of concession of bail to the petitioner.

6. As per the learned State counsel, the petitioner was arrested along with co-accused on the basis of secret information that he is habitual of snatching articles and on the basis of disclosure statement motorcycle has been recovered and as such he prays for dismissal of bail application considering the gravity of the offence.

7. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the basis of secret information that the petitioner and other co accused are indulging in snatching and on the basis of his disclosure statement one motorcycle was recovered. Admittedly, there is no complaint from owner of the motorcycle nor he has been cited as witness in the case. As per the counsel for the

petitioner, the said motorcycle belongs to the neighbour of the petitioner. As per the custody certificate the petitioner was involved in one case under Excise Act registered way back in 2018 where he is on bail. The challan has already been presented in Court and considering the aforesaid circumstances and also the fact that the petitioner is in custody since 30.03.2023, no purpose would be served by detaining him any longer and criminal liability, if any, would only be ascertained after conclusion of trial which may take sufficient long time.

8. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

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

(SANJIV BERRY)
JUDGE

19.12.2023

<i>Gyan</i>	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No