

272

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-43811-2023(O&M)
Date of decision: 13.09.2023

Pavittar Singh

...Petitioner

VS

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE ARUN MONGA

Present: Mr. Harmanpreet Singh, Advocate,
For the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Aggrieved on being declined bail by learned trial Court, petitioner seeks his release as an undertrial in a case bearing FIR No.103 dated 26.11.2022, registered under Sections 379-B (2)read with Section 34 of the Indian Penal Code, Section 411 of IPC, 1860, (Section 201 added later on) at Police Station,Verka, District Police Commissionerate 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. She also suffered injury on her knee. An FIR was registered. During investigation, name of the petitioner also surfaced as a suspect. On the basis of secret information, petitioner was located and arrested received by the investigating officer on 29.11.2022. He is in custody since then.

3. Learned counsel for petitioner submits that petitioner has been attributed the role of one of the two persons riding on a motorcycle who had snatched one mobile phone from the complainant. Petitioner is not even the owner of the said motorcycle, but it is one Raju who owns it. Petitioner has been falsely implicated.

3.1. Said owner of motorcycle, Raju has been granted regular bail by this Court vide order dated 21.08.2023 (Annexure P-2) passed in CRM-M-39592-2023.

3.3. He further submits that no recovery is to be effected from the petitioner as the alleged snatched mobile phone as well as the alleged knife were already recovered from the co-accused namely Sohan Singh.

3.4. Said co-accused, Sohan Singh too has been granted concession of regular bail by this Court vide order dated 18.07.2023 (Annexure P-3) passed in CRM-M-17736-2023.

4. On the other hand, learned State counsel opposes the bail petition. He submits that in case, petitioner is granted concession of bail, there are chances of his fleeing from justice. He is a habitual offender. He is required on production warrants in two other cases under Section 379-B/411 IPC.

4.1. He does not controvert that co-accused have already been granted regular bail by this Court.

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

6. On a Court query, learned State counsel on instructions from ASI Gurnam Singh, submits that challan was filed on 24.02.2023. Investigation *qua* petitioner is complete, therefore, his custodial interrogation is not required. Allegations against the petitioner are matter of trial at this stage. Out of 15 prosecution witnesses, none has been examined so far. Conclusion of trial is 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 more than 09 months, being behind bars since 29.11.2022.

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.

8. Petitioner is stated to be 34-year old family man. He is the sole breadwinner of his family. Having a family to look after and fixed abode, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.
9. Co-accused of petitioner have already been granted the concession of bail by this Court.
10. Considering the overall scenario, without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody.
11. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, 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 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 hereinabove shall not have any effect on merits the case as the same are for the limited purpose of bail hearing 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

13.09.2023
Vandana

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