

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

214

CRM-M-46808-2022
Date of decision : 13.03.2023

Mandeep Kumar @ Mani

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, Senior D.A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

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.18 dated 07.02.2022 registered under Section 379-B of the Indian Penal Code, 1860 (to which Section 34 of the IPC was added later on) at Police Station Garhshankar, District Hoshiarpur.

Reply by way of an affidavit dated 13.03.2023 of Sh.Daljit Singh, Deputy Superintendent of Police, Sub Division Garhshankar, District Hoshiarpur has been filed in the Court today which is taken on record.

The above-said FIR was registered on the statement of complainant-Kiranjit Kaur alleging that on 05.02.2022 at around 04:00 p.m. when she along with her mother-Darshan Kaur was returning to their village Kukkar Mazara from Garhshankar on their scooty, 03

young boys with muffled faces came on a motorcycle and gave kick blow to their scooty. As a result of which they fell down. Thereafter, the assailants snatched the purse from her mother containing Rs.34,000/- and fled from the spot. During altercation face of one assailant was visible.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. There is inordinate delay of 02 days in lodging of the FIR. Co-accused Sukhwinder Singh, who was driving the motorcycle at the time of alleged occurrence has been granted anticipatory bail by this Court vide order dated 09.08.2022 passed in CRM-M-26996-2022 and co-accused Akash, who had snatched the purse, has already been granted concession of regular bail by the trial Court vide order dated 06.09.2022. The petitioner is in custody since 08.02.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition on the ground that the petitioner along with his co-accused has committed the alleged offence and he has also been identified by the complainant. The petitioner is also involved in 04 other cases.

Custody certificate dated 10.03.2023 has been filed by learned State counsel in the Court today which is taken on record. As per the custody certificate, the petitioner is in custody since last more

than 01 year.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that co-accused Akash, who had snatched the purse, has already been granted regular bail by the trial Court and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Mandeep Kumar @ Mani is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case during the period of bail.

13.03.2023

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(ASHOK KUMAR VERMA)
JUDGE

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