

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

108+ 210

CRM-M-47090-2022 (O&M)

Decided on : April 27, 2023

HARWINDER SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sarbjit Singh, Advocate
for the applicant-petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (Oral)

CRM-18845-2023

Prayer in the present application filed under Section 482 Cr.P.C. is for addition of offence under Section 411 of IPC in the head-note as well as in the prayer clause of the main case i.e. CRM-M-47090-2022.

Notice in the application.

Mr. Jashanpreet Singh, DAG, Punjab, puts in appearance and accepts notice on behalf of respondent-State.

In view of the averments made in the application, the same is allowed and Office/Regsitry to carry out necessary corrections in the head-note as well as in the prayer clause of the petition.

Disposed of.

Main case

The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.66 dated 21/07/2022, under Sections 379-B IPC (Section 411 of IPC added later on vide GD No.6 dated 13.09.2022), registered at Police Station Khilchian, District Amritsar.

As per the FIR, complainant-Roop Singh made a statement alleging that on 20.07.2022 at about 04:30 PM, he was coming from his village Rumana Chak on his bicycle and at about 04:30 P.M. when he reached near water tank of village Banian at that time two haircut youngsters came on motorcycle and stopped him and they snatched his mobile and purse containing cash of Rs.400/- and his Adhaar and then ran away from the spot. He already know the accused persons. Accused Joban @ Chand was driving the motorcycle whereas Harwinder Singh (petitioner) was pillion rider.

Learned counsel for the petitioner *inter alia* submits that the petitioner was arrested on 20.07.2022 from village Khilchian under the fly-over bridge when he came back from his work and on 21.07.2022 he was produced before the Illaqa Magistrate, Baba Bakala and after one day police remand, he was sent to judicial custody on 22.07.2022. He, however, submits that the petitioner has been falsely implicated in the present case; investigation in the present case is complete; challan has been presented; charges have been framed and out of total 09 prosecution witnesses none has been examined and the case is now fixed before the trial Court on 24.05.2023. He submits that petitioner is in custody since 21.07.2022 and is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned State counsel, while placing on record, custody

certificate, opposes the prayer for grant of regular bail to the petitioner and submits that after the arrest of the petitioner, the complainant's snatched blue colour purse and Adhaar card have been recovered from him, therefore, he is not entitled to the grant of regular bail. However, he could not dispute that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 09 prosecution witnesses none has been examined yet and petitioner is in custody since 21.07.2022.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which is more than 09 months; investigation is complete; challan has been presented; charges have been framed and out of 09 witnesses none has been examined; petitioner is not involved in any other case and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

April 27, 2023
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(NAMIT KUMAR)
JUDGE

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