

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212

CRM-M-47579-2022

Date of Decision: 12.04.2023

Ashish Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Ankit Kharbanda, Advocate for the petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 10.04.2023, filed by learned counsel for the State is taken on record.

Reply dated 12.04.2023, filed by way of affidavit of Sh. Kamaljit Singh, Assistant Commissioner of Police (Airport), Amritsar, on behalf of respondent-State, is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 0019 dated 08.04.2022 registered under Sections 379-B(2) and 411 read with Section 34 IPC (Section 411 IPC was added later on) at Police Station Airport, Amritsar.

Brief facts of the prosecution case are that the present case was registered on the basis of statement of Rauf Mohammad against the petitioner and co-accused Ajay Singh and Akash with the allegations that

he is a businessman. On 08.04.2022 at around 3:30/4:00 P.M. he had come from Goa to Amritsar in Indigo Flight. After coming out from Airport, he hired Auto bearing registration No. PB-02-DY-4318 make Atul for Rs.300/- for Golden Temple. When they reached near Radisson Hotel, the driver of the auto made to sit two hair cut boys in the Auto. When they went a little ahead, the aforesaid two persons sitting with driver stopped the auto rickshaw and took the complainant to a side. Thereafter, they had shown datar and asked the complainant to hand over whatever he was having with him. They snatched small bag from him in which his mobile phone make Samsung Model A-9 Pro along with sim and cash of Rs.57,000/-. The auto driver was proclaiming the names of other boys as Ashish Singh (petitioner herein) and Ajay Singh, whereas they both were calling the auto driver in the name of Akash and they all were talking with each other. During investigation, on the basis of secret information the police arrested all the accused persons along with Rs.34,000/- out of the snatched money alongwith one purse of black colour, one mobile phone make Samsung and aforesaid auto rickshaw which was used in committing the offence.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. There is no link evidence showing involvement of the petitioner in committing the alleged offence of snatching. False recovery of money and mobile phone has been planted upon the petitioner. Petitioner is the first offender and is not involved in any other case. He is in custody since 08.04.2022. Nothing has to be recovered from him. The trial is likely to take long time. No useful purpose will be served by further detention of the

petitioner in custody.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner. However, he fairly conceded that the petitioner is not involved in any other case.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and the fact that petitioner is not involved in any other case, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Ashish Singh, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

12.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

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