

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

232

CRM-M-46027-2023

Date of decision: 19.09.2023

Amandeep Singh @ Billa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S. Jagpal, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.49 dated 06.04.2023 under Sections 379-B, 34 of the IPC (Section 411 of the IPC added lateron) registered at Police Station Makhu, District Ferozepur.

2. Learned counsel for the petitioner inter alia contends that as per the version given by the complainant herself while lodging the FIR in question, 03 unknown persons snatched her mobile phone while she was returning on foot, to her house. Learned counsel submits that strangely in the FIR it was stated that on the following day, the complainant and her husband made enquiries at their own level and they learnt that the crime in question had been committed by the petitioner along with 02 others. Learned counsel submits that even thereafter the FIR in question was not lodged promptly but after 30 hours. It has been submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less a case of similar

nature. Learned counsel submits that after the petitioner was arrested on 06.04.2023 not only had the challan been presented but even charges framed, however, none of the 14 prosecution witnesses had been examined till date. Hence, there was no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute the submissions made by the counsel opposite with respect to the contents of the FIR. He has also not disputed that the petitioner is not involved in any other criminal case. He, however, submits that the mobile phone which had been snatched from the complainant had been recovered from the petitioner.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 06.04.2023. Since as many as 14 prosecution witnesses have been cited, there is no likelihood of the trial concluding in the near future as prosecution evidence is yet to commence. The mobile phone allegedly snatched by the petitioner and the co-accused already stands recovered. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

19.09.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No