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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46283-2023
Date of decision: 20.09.2023

AMANDEEP SINGH @ MANI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.217 dated 16.11.2022, under Sections 379-B (2), 379, 411 and 413 of IPC, registered at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 16.11.2022, which is more than 10 months and the investigation of the case has already been completed and challan has also been presented and no recovery is to be effected from the petitioner. He further submitted that it is a case where as per the allegations, the police received a secret information pertaining to the petitioner that he along with other co-accused are sitting at a

particular place and they are to sell the stolen vehicles and mobile phones and on the basis of secret information, a raid was conducted and vehicles and mobile phones were recovered. He further submitted that qua the petitioner it is so alleged that 1 Acura and 6 mobile phones were recovered from him. He further submitted that so far as the offence under Section 379-B (2) of the IPC is concerned, the ingredients of the same are not fulfilled because there is no allegation of snatching of any particular vehicle. He also submitted that even otherwise also, the recovery was planted upon the petitioner and the same has already been effected and the petitioner has already faced incarceration for more than 10 months and no useful purpose will be served in case the further custody of the petitioner is perpetuated and the trial of the case may take a long time to conclude. He further submitted that the reason as to why the petitioner has been falsely implicated in the present case was that he was earlier involved in one more case of similar nature, in which also he was falsely implicated.

3. On the other hand, Mr. Harsimar Singh Satta, DAG, Punjab submitted that it is correct that the petitioner is in custody from 16.11.2022, which is more than 10 months and challan has been presented before the competent Court but the charges have not been framed. He has however opposed the grant of regular bail to the petitioner on the ground that from the petitioner there had been a recovery of 1 Acura and 6 mobile phones which were the stolen property.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody for more than 10 months and the investigation of the case has already been completed. The allegations in the FIR

were pertaining to receiving of information by the police with regard to the petitioner and other co-accused that they are sitting at a particular place and they are to sell stolen mobile phones and vehicles and consequently as per the allegations, the petitioner was arrested and allegedly there was a recovery of 1 Acura and 6 mobile phones from him.

6. After hearing learned counsel for the parties, this Court is of the view that the petitioner deserves the concession of regular bail in the present case in view of the fact the investigation of the case has already been completed and now no recovery is to be effected from the petitioner and he has already faced incarceration for more than 10 months and the trial of the case may take a long time to conclude.

7. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

20.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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