

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

CRM-M-51522-2022

Date of Decision:-01.02.2023

Vishaldeep Singh @ Vishal Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amandeep Singh, Advocate for
Mr. Ankit Kharbanda, Advocate for the Petitioner.

Mr. Shubham Kaushik, Assistant Advocate General Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.38 dated 03.03.2022 under Sections 379-B, 411, 34 IPC registered at Police Station Gharinda, District Amritsar.

The present FIR came to be registered on the statement of Ranjit Singh who stated that he was a driver by profession. On 03.03.2022 he was taking a walk after dinner when three young men on a motor cycle no.PB-02-BL-6624 came from the rear and snatched his mobile phone Vivo Y53 Sim Number 98554-34240. On raising an alarm people gathered there and nabbed one of the assailants who disclosed his name as Gurpreet Singh @ Gopi (petitioner no.2) whereas the other two persons succeeded in running away whose names were not known to him. During the course of investigation the other 02 accused namely Lovepreet Singh and the petitioner came to be arrested.

The Counsel for the petitioner contends that infact the petitioner and his co-accused (since granted bail vide order dated 03.08.2022 in CRM-M-17523-2022) had an altercation with the

complainant and all the accused had been badly beaten up by the complainant and his accomplices who with the help of police officials have falsely implicated the accused in the present case. He contends that the petitioner was arrested on 29.07.2022. The challan already stands submitted and none of the prosecution witnesses have been examined so far. Even otherwise, the petitioner has clean antecedents and as such he deserves the concession of regular bail moreso when his co-accused Lovepreet Singh @ Raja and Gurpreet Singh @ Gopi have been granted the concession of bail vide order dated 03.08.2022 in CRM-M-17523-2022.

The Counsel for the State on the other hand states that such kind of offences are on the rise and the petitioner does not deserve the concession of regular bail despite having undergone a substantial custody period. He however, admits that the co-accused have been granted the concession of bail.

I have heard learned Counsel for both the parties at length.

Admittedly, the petitioner is a first time offender. The report under Section 173(2) Cr.PC stands presented and none of the prosecution witnesses cited in the list of witnesses have been examined so far. He is in custody since 29.07.2022 and as such his further incarceration is not required as the trial is not likely to be concluded in the near future.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Vishaldeep Singh @ Vishal Singh** son of Sh. Gurdial Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the present case.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 01, 2023
Vinay

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