

216

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

CRM-M-53609-2022 (O&M)

Date of Decision: 27.02.2023

Tirath Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Prabhdeep Singh Toor, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER J. (ORAL)

CRM-49983-2022

The present application is filed for placing on record the order dated 20.08.2022, passed by Judicial Magistrate Ist Class in FIR No.48, dated 16.07.2022 as Annexure P-4.

For the reasons mentioned in the application, the same is allowed and Annexure P-4 is taken on record, subject to all just exceptions.

CRM-M-53609-2022

Present petition is filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.013 dated 12.03.2022 (Annexure P-1), under Sections 379-B and 34 of Indian Penal Code, registered at Police Station Maloud, District Khanna.

Custody certificate dated 24.02.2023 of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

Succinctly, the present FIR was registered on the basis of statement of one Sikander Kaur (complainant) wherein she alleged that on 12.03.2022, she along with her daughter went to Fatehgarh Sahib for household work and around 3:40 P.M when the complainant and her daughter were returning from Fatehgarh Sahib on the scooter, which was being driven by the daughter of the complainant and when they reached near Shri Krishan Rice Mill, two persons came on Splendor motorcycle with muffled faces, overtook their scooter and the person who was sitting behind on the Splendor motorcycle snatched away the purse of the complainant in which there was cash of Rs.15,000/-, two mobile phones of brand VIVO and MI, ATM Card and Indian Passport of her daughter. It is further alleged that she got very nervous at that time and could only notice that the youngsters were having hair cut and she could not read the number of the Splendor motorcycle.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this FIR which was against unknown persons. It is submitted that the petitioner is not named in the present FIR and no recovery has been effected from the petitioner. It is further submitted that the petitioner has no concern with the alleged occurrence as petitioner was arrested in another case FIR No.48, dated 16.07.2022, under Section 379, wherein, petitioner has been granted bail and the present case has been foisted on him. Learned counsel for the petitioner submits that the petitioner has been in custody since 03.08.2022 and investigation is completed and

challan has already been presented against petitioner on 26.09.2022 and even the charges have also been framed on 02.01.2023. Learned counsel submits that there are total 11 witnesses and only 2 witnesses have been examined so far and the trial is likely to take time. Learned counsel further submits that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence, however, it is not disputed that the petitioner is not named in the FIR and no recovery has been effected from him. It is also not disputed that investigation is complete and charges have been framed in this case and trial is going on.

I have heard learned counsel for the parties and perused the paper book as well as the custody certificate filed by learned State counsel, in Court today.

In this case, the FIR was against unknown persons; investigation is complete; challan has been presented against the petitioner on 26.09.2022 and the charges have already been framed on 02.01.2023. The petitioner has been in custody for the last more than 6 months. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his

address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

27.02.2023

Himani

(HARSH BUNGER)
JUDGE

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |