

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

CRM-M-53704-2022

Date of Decision:-31.01.2023

Punnu Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

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

Present:- Mr. Malkiat Singh Hundal, Advocate for the Petitioner.

Mr. Shubham Kaushik, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.288 dated 02.09.2022 under Sections 379-B(2), 411, 34 IPC registered at Police Station Maqboolpura, District Amritsar.

2. The present FIR came to be registered at the instance of Vicky Yadav who stated that he was a ice cream seller. At about 3.00 pm on 02.09.2022 one motor cycle make splendor having two persons riding on it came to him. He knew one of the persons who had earlier purchased ice cream from him. His name was Gurlal Singh. The persons demanded ice creams from him and he provided them two. Then Gurlal Singh demanded his mobile which he denied to hand over. Thereafter both the persons gave him beatings and took away his mobile mark OPPO colour Black having

SIM No.9835099709. He knew Gurlal Singh and could identify the other person on seeing him.

3. The Counsel for the petitioner contends that the petitioner was not named in the FIR and has been falsely implicated in the present case on the statement of his co-accused. The petitioner was arrested on 02.09.2022. Since he was a first time offender, investigation stands completed and none of the 13 prosecution witnesses had been examined so far, therefore, he was entitled to the grant of bail.

4. The Counsel for the State on the other hand contends that the motor cycle and the mobile phone in question were recovered from the petitioner. The nature of the allegations did not entitle the petitioner to the grant of bail. He however, does not dispute the fact that the petitioner is a first time offender and is in custody since 2.09.2022 and none of the 13 prosecution witnesses have been examined till date.

5. I have heard learned Counsel for the parties.

6. The veracity of the allegations shall be established during the course of trial. Admittedly the petitioner is in custody since 2.09.2022 and none of the 13 prosecution witnesses had been examined so far. Therefore the further incarceration of the petitioner is not required.

7. Thus, without commenting on the merits of the case, the petitioner-**Punnu Singh** son of Sh. Jarnail Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. 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.

9. In addition, the petitioner (or any person on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

10. The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 31, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>