

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

CRM-M No.54358 of 2022

Date of decision: 27th February, 2023

Lovejit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Avtar S. Bhatti, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.0130 dated 03.06.2022 under Section 379-B IPC registered at Police Station Tanda, District Hoshiarpur.

Learned counsel for the petitioner while drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, inter alia submits that FIR in question was registered against unknown persons on the allegation that when the complainant was going on his motorcycle to collect some payment, two unknown boys after stopping and threatening him at knife point, took away his bag containing ₹ 26,724/- along with certain documents. Learned counsel submits that subsequently, on the basis of an alleged secret information,

the petitioner was apprehended and nominated as an accused in the crime in question. He submits that the petitioner has now been in custody since 06.06.2022 and there is no likelihood of the trial concluding in the near future, as prosecution evidence is yet to commence. It has also been submitted that further incarceration of the petitioner would serve no useful purpose as challan stands presented and charges framed. On a pointed query put to the learned counsel for the petitioner qua the involvement of the petitioner in any other criminal case of similar nature, he has replied in the negative.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Ramesh Kumar has submitted that though the petitioner was not named in the FIR in question, however, on the basis of a secret information received, he was apprehended and challaned for allegedly snatching a bag containing ₹ 26,724/- along with certain documents at knife point. Learned State counsel has however not disputed that the petitioner is not involved in any other case of similar nature.

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

The petitioner has now been in custody since 06.06.2022 and none of the 12 prosecution witnesses cited by the investigating agency stand examined, hence, there is no likelihood of the trial concluding in the near future. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to allow the

instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 27, 2023
rps

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