

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

CRM-M-54778-2022

Date of Decision:26.07.2023

Sikander

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Arjun Veer Sharma, Advocate,
 for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail to him in case FIR No.63 dated 29.04.2022 registered under Sections 379-B(2) IPC (offence under Sections 411 and 201 IPC added later on), at Police Station Division No.2, District Ludhiana.

As per the statement of Shiv Kumar, complainant, he was working at Tower Vision Company, Phase-VI, Mohali. At about 9.30 pm on 28.04.2022, after taking dinner, he and his friend reached outside M.D. Mall and the complainant was talking on mobile phone. In the meantime, two unknown young boys came from back side on a black colour Splendor motor cycle and the pillion rider caused injury on the face of the complainant with some sharp edged object and snatched his mobile phone. The complainant and his friend Ajay tried to chase the motor cycle, but the accused fled away on a very high speed.

Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 03.09.2022 and since then, he is confined in jail. The mobile phone, allegedly snatched by the petitioner and his co-accused has already been recovered. He further contends that only four witnesses, out of total 14 witnesses, have been examined by the learned trial Court and the conclusion of the trial will take quite a long time. He further contends that only he has been involved in the present case and the police has not been able to ascertain the identity of the co-accused, who had allegedly snatched the mobile phone from the complainant.

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the petitioner on the ground that he is the main accused and the mobile phone has been recovered.

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

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

26.07.2023
hemlata

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