

2023:PHHC:140198

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

228

**CRM M-54141 of 2023
Date of Decision: 03.11.2023**

Jarnail Singh @ Kalu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Kushagra Mahajan, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.138 dated 02.12.2022 registered under Sections 379-B and 34 IPC (Sections 379, 411 and 427 of IPC added later on), at Police Station Mohkampura, District Amritsar.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. He further contends that the alleged occurrence had taken place at about 11.00 a.m. on 30.11.2022. Still the complainant did not register the FIR. However, after two days, i.e., on 02.12.2022, the petitioner and his co-accused were named by the secret informer. Learned counsel contends that from a perusal of the FIR itself, it is evident that the

story of the prosecution is highly unbelievable. Even as per the case of the prosecution, the mobile phone was snatched from a school girl, who never came forward to lodge the FIR to the police. He further contends that the mobile phone was recovered from Prabhjeet Singh @ Prabh, who has already been granted the concession of bail. The petitioner was arrested in the present case on 13.02.2023 and is in custody since then.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

5. The petitioner was arrested in the present case on 13.02.2023 and is behind the bars for the last more than 08 months. Prabhjeet Singh @ Prabh, against whom, the main allegations were levelled, has already been granted the concession of bail by the Court of additional Sessions Judge, Amritsar. The recovery of the mobile phone has already been effected from the co-accused. Thus, his custody will not serve any meaningful purpose.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

03.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No