

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

CRM-M-54454-2023

Date of Decision:06.11.2023

Gurpreet

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Ms. Sheena Khanna, 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 Cr.PC with a prayer to grant regular bail in case FIR No. 123 dated 03.10.2022, under Section 379-B (2) of IPC (offence under Section 411,201,473 of IPC added later on) registered at Police Station Meharban, District Police Commissionerate, Ludhiana,Annexure P-1.

2. The FIR in the present case was registered on the basis of the statement made by Mudassar Tayed Bian. As per the complainant, at about 09:00 PM on 30.09.2022, he was proceeding towards his room with his brother Mujamil. When he and his brother reached near the petrol pump in the street, a black colour motorcycle came from back side and the young men were riding on this. Out of them, one boy came in front of them and by showing a knife to them, he had snatched the mobile phone from the complainant by injuring him with “dattar”. As per the complainant, he was shifted to the hospital by his brother as he has suffered injuries in the said incident.

3. Learned counsel for the petitioner contends that the FIR initially registered against unknown persons and no physical description of any of the

accused mentioned in the FIR. Apart from that, it has been falsely alleged that the complainant had suffered injuries in the said incident as no MLR was prepared by the doctor in the present case. He further contends that the petitioner was arrested in the present case on 06.10.2022 and is in custody for the last about one year and one month. She next contends that the petitioner is a first offender and was never involved in any other criminal activity.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that after injuring the victim, the mobile phone was snatched by the petitioner and his co-accused.

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

6. It is not in dispute that the petitioner was arrested in the present case on 06.10.2022 and is incarcerated more than one year and one month. Apart from that, only charges have ordered to be framed against the present petitioner and out of 17 witnesses, no witness has been examined so far. Thus, the petitioner cannot be confined in jail for an indefinite period and the trial has been delayed without any fault of the present petitioner.

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

(N.S.SHEKHAWAT)
JUDGE

06.11.2023
hitesh

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