

2023:PHHC:142029

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

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**CRM M-54598 of 2023
Date of Decision: 07.11.2023**

Shiv Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

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

Present : Mr. Abhishek Khullar, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, 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.115 dated 30.08.2023 registered under Sections 341, 323, 379-B, 506 and 34 IPC (under Sections 148 and 149 IPC added lateron) at Police Station Amargarh, District Malerkotla.

2. The FIR in the present case was registered against the accused on the basis of the complaint filed by Jaspal Singh. On 13.08.2023, the complainant had gone to Patiala to see his sister and on the way, at about 4/4.30 p.m., he reached village Manvi on foot. In the meantime, a Scorpio vehicle reached there and stopped near the complainant. Four persons, namely, Gursharan Singh @ Sharni,

Gurmukh Singh, Pardeep Singh @ Billa and Robin came out of the said vehicle. Robin was armed with a baseball bat and they all encircled Jaspal Singh and started beating Jaspal Singh with fists blows and baseball bats. Gurmukh Singh had taken out Ray Ban company goggles from the left pocket of the complainant and also snatched a sum of Rs. 22,000/-from the pocket of the pent of the complainant. When the complainant raised noise to save him, the accused fled from the spot.

3. Learned counsel for the petitioner contends that the alleged occurrence had taken place on 13.08.2023 and the FIR in the present case has been got registered by the complainant on 30.08.2023 after unexplained delay of 14 days. He further contends that the petitioner was not named in the present FIR and has been nominated as accused on the basis of disclosure statement suffered by Harwinder Singh @ Robin. Apart from the disclosure statement suffered by the co-accused, there is no other connecting evidence against the petitioner. He was arrested on 02.09.2023 and the investigation is almost complete against him. Thus, further custody will not serve any meaningful purpose.

4. 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.

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

6. It is not in dispute that the alleged occurrence had taken place on 13.08.2023, whereas, the matter was reported to the police by the complainant on 30.08.2023 after long and unexplained delay. The petitioner was arrested on 02.09.2023 and is in custody for the last more than 02 months.

7. 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.

07.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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