

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

CRM-M-55044-2023

Date of Decision: 14.11.2023

Princepal Singh @ Prince

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Ms. Anju Sharma Kaushik, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

This is the second petition praying for grant of regular bail to the petitioner in case FIR No.07 dated 16.01.2023 under Sections 379-B, 34 of IPC, registered at Police Station Maqboolpura, District Amritsar, Punjab.

Adumbrated facts of the case are that the complaint was lodged by Sandeep Kumar wherein it was alleged that on the night of 13.01.2023 while he was returning home, three persons intercepted him who were following him on their motorcycle bearing No.PB-02-BY-2259 make CD DELUXE and snatched his mobile phone. Later on, he came to know that Harpreet Singh @ Happy, Dilraj Singh @ Nikka, Dilraj Singh @ Nikka and Princepal Singh @ Prince (petitioner) were those persons who colluded and snatched his mobile phone. Request was made to take legal action against the culprits. On the complaint, formal FIR was registered and investigation commenced. During investigation, petitioner was arrested on 16.01.2023. He approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of bail. However, after hearing counsel for both the sides, learned Additional Sessions Judge declined the same vide his order dated 10.04.2023. Against the same, the petitioner approached this Court by way of filing CRM-

M-19634-2023, however, the same was dismissed as not pressed vide order

dated 27.04.2023. Thereafter, he approached again to the learned Additional Sessions Judge praying for grant of regular bail, however, the same was declined vide order dated 29.08.2023. Hence the petitioner has approached this Court again by way of filing this second petition.

It has been vehemently contended by counsel for the petitioner that the petitioner was falsely implicated in this case. He submits that the investigation is already complete and challan is presented and charges are framed. He has submitted that there are three accused named in the FIR and co-accused Harpreet Singh @ Happy has already been granted bail by this Court vide order dated 10.08.2023. He submits that third accused still has not been arrested and PO proceedings are initiated against him. He has further examined that the petitioner is not involved in any other criminal case except the present case. He has submitted that case of the petitioner is at par with that of co-accused Harpreet Singh @ Happy. He has submitted that in the facts and circumstances of the case, when the petitioner has no criminal antecedents and also the co-accused has been granted bail, he deserves to be granted regular bail.

Learned State counsel however, has opposed the submissions made by counsel for the petitioner. She submits that there are specific allegations against the petitioner. She has submitted that as per instructions, petitioner has no criminal antecedents and the investigation in this case is complete, challan has been presented and charges have also been framed. She has submitted that role of the petitioner is at par with that of co-accused Harpreet Singh @ Happy, however, she fairly acknowledges that Harpreet Singh @ Happy has been granted bail by this Court vide order dated 10.08.2023. It is submitted that out of total 17 prosecution witnesses, no witness has been examined so far.

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

Evidently, petitioner is behind bars since 16.01.2023. There is nothing on record to show that the petitioner has any criminal antecedents. As submitted before this Court, out of total 17 prosecution witnesses no witness has been examined so far. Co-accused Harpreet Singh @ Happy has already been granted bail by this Court vide order dated 10.08.2023 and the case of the petitioner is not distinguishable from that of co-accused Harpreet Singh @ Happy. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

14.11.2023
sharmila

Whether Speaking/Reasoned :
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

Yes/No
:Yes/No