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

**CRM-M-57146-2022
Date of Decision: 18.04.2023**

Hardeep Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanjeev K. Virk, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.40 dated 21.04.2022, under Section 379-B IPC, registered at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 21.04.2022 which is about 1 year and the investigation of the case has already been completed and thereafter, even the trial has commenced and now 4 witnesses have already been examined including the complainant. He further submitted that the petitioner was falsely implicated in the present case and he is having clean antecedents. He also submitted that even as per the prosecution story, three persons had come on the motorcycle, who had snatched a purse from the complainant which

was having a mobile phone, a charger and Rs.810/- along with Aadhar Card. He further submitted that the petitioner was not present at the spot and he has been falsely implicated in the present case due to enmity and considering his clean antecedents and the fact that the material witnesses have already been examined, the petitioner may be considered for the grant of regular bail.

On the other hand, Ms. Akshita Chauhan, learned Deputy Advocate General, Punjab, has submitted that it is correct that the petitioner is in custody for about one year and now the four witnesses including the complainant have been examined and it is also correct that the petitioner is not involved in any other case. She has however opposed the grant of regular bail to the petitioner on the ground that the petitioner along with two other persons had snatched a purse from a lady which is serious in nature.

I have heard the learned counsel for the parties.

The investigation of the case has already been completed and even the trial has commenced. According to the learned counsel for the parties, 4 witnesses including the complainant have already been examined. The petitioner is stated to be not a habitual offender and is not involved in any other case. The allegations in the FIR were pertaining to three unknown persons who had come on motorcycle and snatched purse from the complainant, thereafter, the name of the petitioner was nominated. It is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the

case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

18.04.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |