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

CRM-M-55122-2023

Date of Decision: 08.11.2023

Rahul

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.320 dated 29.12.2022, under Sections 454, 323, 379-B, 34 IPC (Sections 411, 342 and 379 IPC added later on), registered at Police Station City Malout, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submitted that the petitioner is in custody since 03.01.2023 and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. He further submitted that the petitioner has clean antecedents and is not involved in any other case. As per the allegation, the complainant had stated to the police that two persons had come to her house and snatched an amount of Rs.8 lacs, but later on at the time of supplementary statement before the police she refused the same by stating that she has already recovered Rs.3.5 lacs from her almirah and further

allegation in the FIR was that the aforesaid two persons also snatched some gold ornaments including two gold bangles of about two tolas, one gold chain of two tolas and three rings of about one tola. He further submitted that the entire case is based upon suspicion only and the complainant initially filed an FIR against unknown persons and the name of the petitioner and the co-accused was identified by her only at the time of recording of supplementary statement before the police. He also submitted that although the entire recovery has already been effected from the petitioner but it was planted upon him and he has clean antecedents and the trial of the case may take long time, therefore, he may be considered for grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab stated that it is correct that the petitioner is in custody since 03.01.2023 and the investigation of the case has been completed and challan has also been presented before the competent Court. He further submitted that it is also correct that the petitioner has clean antecedents and is not involved in any other case. However, he has submitted that the recovery has been effected from the petitioner and therefore, he does not deserve the concession of regular bail.

4. I have heard learned counsels for the parties.

5. The custody of the petitioner is about 10 months and after completion of investigation by the police, the challan has already been presented before the competent Court and even as per the learned counsel for the parties, the entire recovery although is stated to have been effected from the petitioner but the allegations have been denied by the petitioner by stating that it was planted upon him. The petitioner is stated to be having

clean antecedents and now no further recovery is to be effected from anybody. Therefore, in view of the aforesaid factual position and the fact that the trial of the case may take long time, this Court deems it fit and proper to grant regular bail to the petitioner.

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

7. 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.

08.11.2023*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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