

2023:PHHC:147137

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

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CRM-M-57443-2023

Date of Decision : **November 20, 2023**

RAJATPAL SINGH ALIAS SAHIL

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Atinderpal Singh, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.420 dated 23.12.2022, Under Sections 379-B, 34, 506 IPC, registered at Police Station Maqboolpura, District Amritsar.

2. The present FIR has been registered against the petitioner and one of the co-accused on a statement made by one Sukhbir Singh, wherein, he alleged that on 20.12.2022 at about 1.30 p.m., when he was sitting in a park near loan office, then one Rajatpal Singh @ Sahil and Lara came to him and demanded money. When the complainant refused to give money, the petitioner took out a datar with an intention to give a datar blow and due to fear, he kept himself hid and in the meantime, the accused took out nine currency notes of the denomination of ₹500/- each total ₹4500/- from the pocket of the complainant and the co-accused Lara gave him kick blows. Upon raising hue and cry, one passers-by Dhir

Singh came there and rescued him from the clutches of the accused persons, thereafter both the accused fled away from the spot.

3. Learned counsel for the petitioner submits that there is a delay of 78 hours in the registration of the present FIR, therefore, the present FIR has been registered after due deliberations and concoction. He further submits that the petitioner is not involved in any other case and in the present case he was arrested on 28.12.2022, and since then he is behind the bars and has suffered incarceration for about 11 months. He further submitted that the trial is at initial stage and conclusion of the same may take some time. He also submitted that the recovery has already been effected and nothing has to be recovered from the petitioner, as the prosecution has completed its investigation, and thereafter, final report under Section 173 Cr.P.C. has already been submitted before trial Court on 15.2.2023.

4. Per contra, the learned State counsel has vociferously opposed the grant of regular bail to the petitioner on the ground that the witnesses are yet to be examined and the petitioner may influence the private witnesses. He further submitted that the allegations are grave in nature, therefore, the petitioner does not deserve the relief of regular bail.

5. This Court has examined the present case in its totality. The learned State counsel has filed the custody certificate issued by Mr.Anurag Kumar, Superintendent, Central Jail, Amritsar and the same is taken on record which strengthens the arguments of the learned counsel for the petitioner that the petitioner has suffered incarceration of about 10 months and 25 days as on today. The learned State counsel on

instructions imparted to him by ASI Jagraj Singh, submits that the prosecution has cited ten witnesses, out of which no one has been examined till date.

6. Considering the length of incarceration and the stage of the trial coupled with the fact that there is a huge delay of 78 hours in registering the FIR and the investigation stands completed and final report under Section 173 Cr.P.C. stands presented before the learned trial Court on 15.2.2023, and the petitioner is not involved in any other case, this Court deems it appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is allowed.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

November 20, 2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No