

CRM-M-56614-2023
Date of decision: 16.11.2023

Harman SinghPetitioner

State of Punjab ...Respondent

Present: Mr. Manish Prabhaker, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

Brief facts of the case are that on 24.08.2023 at about 05:30 P.M., the complainant-Sahib Singh was going to Wadala Kalan and Baba Bakala Sahib on his Active bearing registration No. PB02CY6394 on account of domestic work. While he was half kilometer back from Baba Bakala Sahib, three youngsters on one motorcycle Platina bearing registration No. PB18U8459 armed with *datar* came on very high speed from back side and stopped in front of the Activa of the complainant and tried to snatch everything with the petitioner. On protest by the complainant, they attacked upon him but in order to save himself, the complainant stepped back and *datar* hit the seat of his Activa. On raising alarm, passerbys gathered there and the accused fled away from the spot leaving their motorcycle behind and, thus, the present case

was got registered.

Learned counsel for the petitioner *inter alia* contends that there is a delay of 19 hours in the registration of the FIR. The incident has occurred at around 05:30 P.M. on 24.08.2023 and it was reported to the police on next day. There are no specific allegations against the petitioner. It is not mentioned anywhere that the petitioner has committed the alleged offence under Section 379-B of IPC and as per the case of the prosecution, *datar* blow was inflicted by the petitioner on the Aactiva of complainant. As such in the absence of any injury or specific attribution to the petitioner, invocation of section 379-B of IPC would be debatable.

Per contra, the learned State counsel opposes the grant of regular bail to the petitioner on the ground that he is involved in a heinous crime and the complainant is yet to be examined.

Having heard learned counsel for the parties and perusing the records of the case, it transpires that the petitioner is behind the bars for more than 02 months. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court on 21.10.2023. The trial of the case would take long time to conclude.

Keeping in view the facts and circumstances of the case, the fact that the petitioner is not involved in any other case and the likelihood of trial being prolonged, the present petition is allowed. Culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Thus, without commenting upon the merits of

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the case lest it may prejudice the outcome of the trial, the petitioner-Harman Singh is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

16.11.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No