

2023:PHHC:087419

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

CRM-M-59158-2022
Date of Decision: 13.07.2023

Mintu Kumar ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ajay Pal Singh Rehan, Advocate
by the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.18 dated 04.02.2022 registered under Sections 379-B of IPC at Police Station Sujampur, District Pathankot.

As per the case of the prosecution, the FIR in the present case was registered on the basis of statement made by complainant Rakhi Kumari, who alleged that on 04.02.2022, she alongwith her husband was going on a motorcycle and she was carrying backpack of blue colour, containing her small purse, which also contained her mobile phone, cash of Rs.12000/-, SBI ATM Card and the Army Canteen Card of her husband and other documents. At about 6.40 pm, two persons came on a motorcycle splendor of black colour and snatched her bag and ran away very fast. With these broad allegations, the FIR in the present case was registered against unknown persons.

Learned counsel for the petitioner contends that he has not been named in the present case and during investigation, on 23.08.2022 Parul Sharma, co-accused was arrested in the present case and the snatched property

was recovered from him. During the police custody, Parul Sharma suffered a disclosure statement and the petitioner was nominated as an accused in the present case. He was arrested in the present case on 13.09.2022. Learned counsel for the petitioner contends that only three witnesses, out of 14 witnesses, have been examined and his further custody will serve no meaningful purpose.

On the other hand, learned State counsel has opposed the prayer made by the petitioner on the ground that one more FIR has been registered against the present petitioner and he does not deserve the concession of bail by this Court.

I have heard learned counsel for the parties and perused the record with their able assistance.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

However, the petitioner is directed to appear before the SHO, Police Station Sujampur, District Pathankot on the first Monday of every month, during the pendency of the trial and his presence shall be marked by the concerned SHO in the roznamacha of the police station. In case, the petitioner involves in any other case, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to apply for cancellation of bail granted to the present petitioner.

Disposed off.

(N.S.SHEKHAWAT)
JUDGE

13.07.2023
hemlata

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