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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56632-2023
Date of decision: 17.11.2023

KARANBIR SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. G. S. Simble, Advocate
for the petitioner.

Mr. Gurdarshan Singh 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 the grant of regular bail to the petitioner in FIR No.23 dated 05.04.2023, under Sections 379-B(2) and 34 of the IPC, registered at Police Station Jhander, Police District Amritsar Rural, District Amritsar, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 12.04.2023, which is more than 7 months and the investigation of the case has been completed by the police and thereafter, challan has also been presented before the competent Court but no prosecution witness has been examined till date. He further submitted that the petitioner has been falsely implicated in the present case. As per the allegations, seven persons had come on two different motorcycles, three persons were riding on one motorcycle and

remaining four persons were riding on another motorcycle and as per the allegations, the mobile phone of the complainant was snatched and thereafter, the mobile phone of one Nirmal Singh was also snatched. He also submitted that it was only thereafter that one of the co-accused was arrested and on his disclosure statement, the petitioner was arrested in the present case. He further submitted that now no recovery is to be effected in the present case and since the investigation of the case has already been completed and the trial of the case may take long time to conclude, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab has opposed the grant of regular bail to the petitioner on the ground that although the custody of the petitioner is more than 7 months but it is a case where after the incident when the name of the petitioner was nominated, the mobile phone which was the subject matter of the present offence was recovered from the present petitioner. He further submitted that the petitioner is involved in two more cases of identical nature of snatching and none of the prosecution witnesses has been examined till date including the complainant and there is a strong apprehension that in case the petitioner is released on bail then he being a habitual offender may repeat the offence or may even influence the witness, who is the complainant and therefore, has prayed for the dismissal of the present petition.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody from 12.04.2023, which is more than 7 months. However, as per the learned State counsel, the petitioner is involved in two more cases of similar nature and no prosecution witness has been examined

till date and also the subject matter of the present offence, which was a mobile phone was recovered from the present petitioner and therefore, considering the aforesaid facts and circumstances of the present case, this Court is of the view that the petitioner does not deserve the concession of regular bail.

6. Consequently, the present petition is hereby dismissed.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

17.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No