

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

**CRM-M-59790-2022
Date of Decision: 20.03.2023**

Deepak

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER J. (ORAL)

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.182 dated 28.09.2021, under Section 379-B, 34 and 473 of the Indian Penal Code, 1860, at Police Station Daresi, District Ludhiana (Annexure P-1).

Upon issuance of notice in this case, status report was filed by State of Punjab. Custody certificate dated 18.03.2023 of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

As per status report, SI Satish Kumar received a secret information that one Neeraj S/o Judge Singh and Deepu S/o Sukhdev Singh have affixed forged number plates on their motorcycle and used to commit snatchings from the labourers and public by putting them under fear of death in different parts of the city and on 28.09.2021 they were roaming in same

area for committing similar offence and if *nakabandi* is conducted then Neeraj and Deepu can be apprehended. Finding the information reliable, ruqa was prepared and FIR was registered. Accordingly, *naqa* was laid and two young men were seen coming on motorcycle and when police party signaled them to stop then person sitting on rear seat was apprehended and the other person managed to escape. The apprehended person disclosed his name as Neeraj, from whom one mobile phone (Samsung, black colour) was recovered. On 29.09.2021, Neeraj suffered disclosure statement that on 28.09.2021, he along with Deepu snatched two mobile phones and on his demarcation, two mobile phones were recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR on the basis of a secret information only, and in the instant case, there is no complainant. It is further submitted that the petitioner was arrested in another case FIR No.183, dated 04.10.2021, under Sections 379-B, 411 and 34 of the Indian Penal Code, at Police Station Daresi, Ludhiana and the petitioner was produced in present case FIR on production warrants and the petitioner was arrested in the instant case on 14.12.2021. Learned counsel submits that the challan has already been presented in Court on 04.02.2022 and the petitioner has been in custody for the last more than one year and three months. Learned counsel next submits that the conclusion of trial would take some time and the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court; accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence and also submits that the petitioner is involved in three other cases, however, it is not disputed that

the petitioner has been in custody for more than one year three months and two days (as on 18.03.2023) and challan stands submitted on 04.02.2022. Regarding three other cases, it is not disputed by learned State counsel that in case FIR No.183, dated 04.10.2021, the petitioner was granted bail by a Co-ordinate Bench of this Court vide order dated 09.01.2023 passed in CRM-M-34208-2022; and in case FIR No.116, dated 06.10.2021 and case FIR No.117, dated 07.10.2021, the petitioner was convicted and sentenced for one year, which has already been undergone by the petitioner.

I have heard learned counsel for the parties and perused the paper book as well as the custody certificate and status report filed by State of Punjab.

In this case, the petitioner has been in custody for more than one year three months and two days (as on 18.03.2023) and the challan has already been presented against the petitioner on 04.02.2022. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity,

during the pendency of the trial.

The petitioner shall appear before the police station concerned on first Monday of each month till the conclusion of the trial.

In addition, the petitioner (or any one on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law, in case of the absence of the petitioner from trial without sufficient cause.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

20.03.2023

Himani

**(HARSH BUNGER)
JUDGE**

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