

CRM-M-60162-2022

2023:PHHC:049119

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

CRM-M-60162-2022

Decided on:-11.04.2023

Jarnail Singh

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Dixit Raj Kapoor, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail pending trial in case FIR No.107 dated 20.06.2022, under Sections 379-B and 411 IPC, registered at Police Station Passiana, Patiala, District Patiala.

As per the allegations levelled in the FIR, the petitioner was driving the motorcycle and co-accused, namely, Mastan Khan @ Maka, who was pillion rider snatched the gold earrings from the ears of the wife of the complainant.

Learned counsel for the petitioner submits that the petitioner is in custody for the last more than 9 months and the investigation in the present case already stands concluded with the filing of challan followed by framing of charges, even 4 prosecution witnesses including the complainant already stand examined. He further submits that the co-accused, Mastan Khan @ Maka has already been granted the concession of bail by the court

of learned Sessions Judge, Patiala.

On the other hand, learned State counsel opposes the prayer made herein while submitting that 03 other cases are pending against the petitioner.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Considering the fact that the investigation already stands concluded with the filing of challan followed by framing of charges and statement of complainant already been recorded, besides the custody period of the petitioner who is already behind the bars for the last more than 9 months, there does not appear to be any justification to keep the petitioner behind the bars any further particularly, when the co-accused of the petitioner has already been granted the concession of bail by the court of learned Sessions Judge, Patiala and as per the information provided, the petitioner having been acquitted in FIR No.174 dated 09.08.2021, Police Station Passiana.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

11.04.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No