

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

CRM-M-58059-2023 (O&M)

Date of decision: 23.11.2023

RAJBIR SINGH**...Petitioner****VERSUS****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. Pawandeep Singh, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.0178 dated 05.06.2022, under Sections 379-B, 411 and 149 of the IPC, registered at Police Station Maqboolpura, District Amritsar.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about 1 ½ years and investigation of the case has already been completed and thereafter, challan has been presented. He submitted that the allegations against the petitioner and the co-accused are pertaining to snatching of one mobile phone and an amount of Rs. 16,300/- at a tea stall. He submitted that in fact the petitioner has been falsely implicated in the present case and the other co-accused namely, Kalu Gurnam Singh has been extended the benefit of regular bail by a Co-ordinate Bench of this Court on 19.05.2023 vide Annexure P-3. He submitted that the petitioner is having clean antecedents and is not involved in any other case and trial of the case may take long time and, therefore, the petitioner may be considered for grant

of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab has submitted that it is correct that the petitioner is in custody for about 1½ years and the challan has been presented and it is also correct that the petitioner is not involved in any other case.

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

5. The petitioner is in custody for 1 ½ years and the other co-accused namely, Kalu Gurnam Singh has been extended the benefit of regular bail by a Co-ordinate Bench of this Court on 19.05.2023 vide Annexure P-3. The petitioner is stated to be having clean antecedents and is not involved in any other case. The subject matter of the present case is only one mobile phone and an amount of Rs. 16,300/- . Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. 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.

23.11.2023

(JASGURPREET SINGH PURI)

Rakesh

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No