

CRM-M-60854 of 2022

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

CRM-M-60854 of 2022
Date of decision: 28.02.2023

Balwant Singh @ Jant

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Amit Arora, Advocate, for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

In compliance of order dated 09.01.2023 status report by way of affidavit of Kanwalpreet Singh, Assistant Commissioner of Police, West, Amritsar (City), on behalf of respondent-State filed in Court today is taken on record.

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.149 dated 04.07.2022 under Sections 379-B, 34 IPC (Offence under Section 411 IPC added lateron), registered at Police Station Chheharta, District Amritsar.

The FIR in the instant case has been registered on the statement of complainant Abhishek Kumar alleging therein that on 04.07.2022 he was present outside the house of his friend near Jawahar Nagar where two persons came on motorcycle make Splendour bearing registration No.PB-09-K-5355 and forcibly snatched his mobile and ran away from the spot.

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Complainant identified the accused persons and further recovery was also effected from the accused.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that the complainant neither identified the motorcyclists nor could provide the names of the persons who had snatched the aforesaid mobile phone from the complainant and there is no evidence so as to connect the petitioner with the said offence and the police has framed the petitioner in the present case. He further submits that since investigation has already been completed in this case; challan has been presented on 30.08.2022; charges have been framed on 03.11.2022; out of 12 prosecution witnesses, none has been examined as yet and the case is fixed for prosecution evidence on 05.05.2023 and no recovery is to be made from the petitioner. He further submits that no other case is pending against the petitioner and he has been in custody for the last more than seven months. He further submits that co-accused of the petitioner, namely, Talwinder Singh has been granted the concession of regular bail by this Court vide order dated 01.12.2022 passed in CRM-M-41590 of 2022. He further submits that trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner in jail.

Per contra, learned State counsel submits that keeping in view the gravity of offence and seriousness of allegations against the petitioner, he is not entitled to grant of regular bail as he may threat the prosecution witnesses and may commit the offence again. However, he could not refute the contention of the learned counsel for the petitioner that petitioner is not involved in any other case and co-accused has been granted regular bail

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vide order dated 01.12.2022.

Keeping in view the custody period of the petitioner; the fact that the challan has already been presented and charges framed and the case is fixed for prosecution evidence; petitioner is not involved in any other case; co-accused has been granted bail and the fact that conclusion of trial may take a long time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

However, it is made clear that in future if the petitioner is found involved in any other case of similar nature, respondent-State would be at liberty to take necessary steps for cancellation of bail granted to the petitioner in present case.

Nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

28.02.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No