

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-544-2023

Date of Decision: 12.01.2023

Davinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Ms. Kuljeet Kaur Adhen, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 11.01.2023 filed by learned counsel for the State, is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 184 dated 09.07.2021 registered under Sections 379-B and 411 read with Section 34 IPC at Police Station Maqboolpura, District Amritsar.

Briefly, the present FIR was registered on the application of complainant-Kulwinder Kaur, alleging therein that on 09.07.2021, she along with her daughter Rajbir Kaur was going towards Sabzi Mandi Vallah and at around 10:00 P.M., when they reached near Railway Fatak, two persons came on motorcycle from behind and snatched her mobile while she was attending the call and ran away from the spot.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case. He was not named in the FIR. Out of total 18 prosecution witnesses, 05 have already been examined and all the material witnesses have not supported the prosecution story. Even the complainant had not identified the petitioner. The snatched mobile was recovered from the custody of co-accused of the petitioner, namely; Harpreet Singh @ Babbu. The petitioner is in custody since 10.07.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused of the petitioner, namely; Varinder Singh and Harpreet Singh @ Babbu, have already been granted the concession of regular bail by the Court vide orders dated and 04.07.2022 and 26.08.2022 (Annexures P-3 and P-4, respectively). Thus, it is prayed that treating the case of the petition on the same parity as that of this co-accused, he may ordered to be released on regular bail.

On the other hand, learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case, the custody period of the petitioner, the fact that co-accused of the petitioner have already been granted the concession of regular bail by this Court vide orders dated and 04.07.2022 and 26.08.2022 (Annexures P-3 and P-4, respectively and also the fact that conclusion of trial may take a long time, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Davinder Singh, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

January 12, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No