

CRM-M-59555-2023 (O&M) 1

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-59555-2023 (O&M)

Date of Decision: 01.12.2023

HARDEV SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Ms. Narveet Kaur Barnala, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 40 dated 21.04.2023 registered under Sections 379(B)/411/34 of the Indian Penal Code at Police Station Majitha Road, Amritsar.

2. The present FIR was registered on the statement made by the complainant Jasbir Kaur on the allegations that on 21.04.2023, at about 7.30 PM, she was going from Ratan Singh Chowk Amritsar to Saini Chowk Amritsar on foot and when she reached near Sooraj General Store, she was using her mobile phone to receive a call, then two youngmen came on motor cycle from behind and the pillion rider snatched her mobile phone.

3. Learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been nominated after three months of the alleged occurrence i.e. on 10.07.2023, when he was using the stolen mobile phone and thereafter on 12.07.2023, the stolen mobile phone was recovered from co-accused Mandeep Singh. There is no allegation against the petitioner with regard to snatching of the mobile and at the most he can be prosecuted for using the stolen mobile phone only and

moreover, the stolen property was recovered from the co-accused. As such there is absolutely no evidence to indicate the complicity of the petitioner in the present case.

4. Per contra, learned State counsel has opposed the prayer for grant of bail to the petitioner on the ground that snatching instances are on the rise and it has created havoc in the society.

3. Having heard the learned counsel for the parties and after perusing the record, it transpires that the petitioner is behind the bars since 10.07.2023. The Investigating Agency has already completed the investigation and filed the final report under Section 173 of Cr.P.C. on 16.08.2023 and the trial has not made any progress as none of the 11 prosecution witnesses, as cited by the prosecution, has been examined so far. In view of the law laid down by Hon'ble Supreme Court in ***Satender Kumar Antil Vs. CBI (2022) 10 SCC 51***, petitioner-Hardev Singh is ordered to released on regular bail in this case only, if not required in any other case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

8. The petition is allowed.

(HARPREET SINGH BRAR)
JUDGE

01.12.2023
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No