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

CRM-M-59982-2023

Date of Decision: 12.12.2023

Parvesh Kumar @ Prince

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.217 dated 16.11.2022, under Sections 379-B(2), 379, 411 & 413 IPC, registered at Police Station Sadar Ludhiana, District Ludhiana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 07.01.2023 which is 11 months and 5 days and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court but till date the charges have not been framed by the trial Court. He further submitted that it is a case where on receiving a secret information, the police conducted a raid and as per the prosecution, there was a recovery of one mobile phone from the petitioner. He also submitted that no specific incident has been connected with the present allegation, but it was only on the basis of a secret information that the petitioner and the other co-accused were to sell the

aforesaid stolen mobile phones to the other persons. He further submitted that the petitioner has been falsely implicated in the present case in view of the fact that earlier he was involved in some other cases under Section 379-B IPC. He also submitted that similarly situated co-accused, namely, Amandeep Singh @ Mani, who is at parity with the petitioner, has already been extended the benefit of regular bail by this Court in CRM-M-46283-2023 on 20.09.2023 vide Annexure P-2 and therefore, he may also be considered for grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned Assistant Advocate General, Punjab, submitted that it is correct that the petitioner is in custody from 07.01.2023 and the investigation of the case has been completed and thereafter, challan has been presented before the competent Court. He further submitted that it is also correct that no specific incident has been alleged in the present FIR, but the police received an information with regard to some person including the petitioner, who were having stolen mobile phones and vehicles and when the raid was conducted then one mobile phone was also recovered from the petitioner. The parity of the petitioner with the other co-accused, namely, Amandeep Singh @ Mani has not been denied by the learned State Counsel.

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

5. The petitioner has faced incarceration for 11 months and 5 days and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. As per the allegations, the police got an information pertaining to some person including the petitioner that they were having stolen mobiles and vehicle and

therefore, raid was conducted and there was a recovery of one mobile phone from the petitioner and thereafter, the petitioner was arrested along with the co-accused. The learned State Counsel has argued that the petitioner is a habitual offender of snatching. However, as per the allegations in the present case, it is not a case of snatching from a particular person but as per the State Counsel, there was a recovery of one stolen mobile phone from the petitioner. Be that as it may, the parity of the co-accused with the present petitioner, who has been granted regular bail by this Court vide Annexure P-2, has not been denied by the State Counsel. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

12.12.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No