

2023:PHHC:155975

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

220

CRM-M-60261-2023
Date of Decision : **December 06, 2023**

HARSH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ranjeet K. Jaswal, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, as filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.18 dated 02.02.2023, under Section 379-B(2) and 341 of the Indian Penal Code, 1860 (Sections 323, 379, 411, 483 IPC added lateron), registered at Police Station Beas, District Amritsar Rural, Punjab (Annexure P-1), during the pendency of trial.

2. The allegation against the petitioner is that, one Parvat Milakar submitted a complaint on 02.02.2023, and stated that on 01.02.2023, two persons came on motorcycle and gave a blow of rod on his wrist and upper arm and also snatched mobile phone of the complainant and ran away. Thereafter, on 27.03.2023, i.e. about one and half month later, the supplementary statement of the complainant was recorded wherein, he disclosed the name of the present petitioner and other accused Yudhveer Singh being the person who had committed the said offence. On the basis of the supplementary statement (supra), the petitioner was arrested on 27.03.2023.

3. Learned counsel for the petitioner submits that there is a huge delay in disclosing the name of the petitioner at the behest of the complainant and the identification of the accused is yet to be established.

4. On the other hand, learned State counsel opposes the prayer for grant of regular bail to the petitioner, on the ground that on disclosure statement of the present petitioner, mobile phone, which was snatched by the petitioner, was got recovered by him and the same was duly identified by the complainant.
5. Learned State counsel has submitted that the investigation has been completed in this matter, and the final report under Section 173 Cr.P.C. was filed before the learned Illaqa Magistrate, through SHO concerned on 25.05.2023. The prosecution has cited a total of 12 witnesses in the final report.
6. Learned counsel for the petitioner submits that the petitioner is languishing in jail since 27.03.2023, and he is not involved in any other criminal case and the completion of trial would take a long time, as charges are yet to be framed. He further submits that the other co-accused, namely, Yudhveer Singh has already been enlarged on regular bail by this Court.
7. Therefore, without commenting upon the merits and circumstances of the present case and keeping in view the fact that the other co-accused, namely, Yudhveer Singh has been granted regular bail by this Court vide CRM-M-29843-2023, and the present petitioner has suffered incarceration of eight months and ten days as on today, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.
8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

December 06, 2023
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No