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

CRM-M-62396-2023 (O&M)
Date of decision : 18.12.2023

LOVEPREET SINGH @ LABHA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab
with ASI Sarwan Singh

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.30 dated 05.04.2023, registered under Sections 379-B(2), 379, 411, 201 and 34 IPC, at Police Station Khilchian, Amritsar.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Reliance is being placed upon order dated 08.11.2023 passed in CRM-M-54878-2023 whereby co-accused Beant Singh has been granted regular bail by this Court observing as under :

“1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.30 dated 05.04.2023, registered under Sections 379-B(2),

379, 411, 201 and 34 IPC, at Police Station Khilchian, Amritsar.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is concocted. Even as per the allegations of the prosecution, the petitioner is alleged to have snatched a mobile phone from the complainant. However, the said mobile phone already stands recovered. The petitioner is in custody since 15.04.2023. The investigation of the case is already over. The petitioner is not required for any investigation purposes. There is no other case registered against the petitioner. Hence, the petitioner deserves to be released on bail pending trial.

3. On the other hand, learned State counsel, on instructions from ASI Jiwan Jyoti, submits that the petitioner is directly involved in the crime of snatching the mobile phone. The factum of snatching is established against the petitioner because of the fact that the snatched mobile phone was recovered from him only. Therefore, the petitioner does not deserve the concession of bail pending trial. However, it is not disputed by learned State counsel that there is no other case registered against the petitioner and that the petitioner is in custody since 15.04.2023.

4. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.”

4. He thus claims parity.

5. State Counsel is not in posititon to dispute the aforesaid factual assertions made by counsel for the petitioner. However he opposed the bail plea on the ground that *datar* on the point thereof the alleged offence has been committed stands recovered from the present petitioner and thus the petitioner does not deserve concession of bail.

6. I have heard counsel for the parties and have gone through records of the case.
7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner i.e. more than 8 months and 6 days and granting parity *viz-a-viz* co-accused Beant Singh, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 18, 2023	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No