

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

238

2024:PHHC:023531

CRM-M-232-2024

Date of decision: February 20, 2024

SHUBHDEEP SINGH @ LADI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.150 dated 21.08.2023 (Annexure P-1) under S379B, 341, 489 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 21.08.2023 for allegedly accompanying the co-accused, who snatched the mobile phone of the complainant after threatening him on gunpoint. Learned counsel submits that after he was arrested, no recovery of either the stolen mobile handset or even the weapon of offence was effected from him. On a pointed query, learned counsel has submitted that the investigation in the case in hand stands completed as not only the challan has been presented but even charges stand framed. On a further query put to the learned counsel as to whether the petitioner is involved in any other criminal case of similar nature, he has categorically replied in the negative.

3. *Per contra*, learned State counsel, while opposing the prayer made by the learned counsel for the petitioner, on instructions, has not disputed the submissions made by the counsel opposite *qua* no recovery of the allegedly stolen mobile handset or even the weapon of offence having been effected from the petitioner. Learned State counsel, on further instructions, has also not disputed that the petitioner is not involved in any other criminal case of similar nature, however, he submits that the petitioner is involved in one other case under the NDPS Act.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The FIR in question, which has been annexed as Annexure P-1, came to be registered on 21.08.2023. The relevant portion of the FIR in question is reproduced hereinbelow: -

“I am resident of the above said address and do the work the delivery of parcels with E-Kart Company, Bus Stop Bhikhiwind, Khem Karan Road. Today on 20.08.2023 at about 5.15 PM, I was going on my Splendor motorcycle to bus stop Bhikhiwind after delivery of parcels at bus stop Jiobala. When I reached near Rohi turn, then three boys were seen coming on black Platina motorcycle from the opposite side and they stopped my way. The motorcycle rider had muffled his face while the face of pillion riders was visible. The third person sitting on the pillion pulled out a black pistol from his waist and pointed the same at my forehead while the second person sitting on the pillion kept his datar on my neck and snatched my mobile from the pocket of my pant by threatening to kill me. When they tried to snatch my parcel bag, then I opposed them. Luckily a passerby was seen coming on a motorcycle from village Jhamke side, upon which the above said three persons fled away with my mobile towards bus stop Jiobala. I informed my family from the mobile phone of a passerby and started searching for the accused. After sometime my family members came to me at bus stop Jiobala where we saw a Platina motorcycle parked in dark. When we went near the motorcycle,

then we saw the above said three persons standing and talking to each other. I identified them and told my family members that these are the same persons who have snatched my mobile. When I demanded my mobile back, then one of them again pointed his pistol at me and threaten to kill me. In the meantime, somebody informed the police which also reached the spot and apprehended these three persons with pistol and datar. These three persons have snatched my mobile at gun point. I identify them. I am claimant. Required legal action be taken against them.”

6. In the aforementioned circumstances, the trial is unlikely to conclude in the near future as charges were framed as recently on 22.01.2024, coupled with the fact that 9 prosecution witnesses have been cited, however, none of them have been examined till date. As per the instructions received by the learned State counsel, next date fixed before the learned trial Court is 22.03.2024, when the prosecution evidence is likely to commence.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

February 20, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No