

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-916-2024
Date of decision: 22.02.2024

Gurpreet Singh @ Gopi.....Petitioner.

Versus

State of Punjab....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Dharminder Singh Randhawa, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. Custody certificate dated 21.02.2024 filed by learned State counsel in Court today is taken on record. Copy thereof supplied to learned counsel for the petitioner.
2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR are as under: -

FIR No.	Dated	Sections	Police Station
108	08.09.2023	379-B(2), 34 IPC	Khilchian, Police District Amritsar Rural.

3. As per the case of the prosecution, the petitioner along with the co-accused is alleged to have snatched the mobile phone of the complainant.

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is in custody since 09.09.2023. He further contends that there is one other case pending against the petitioner but he is on bail in that case.

5. *Per contra*, learned State counsel, submits that the petitioner has committed a heinous crime, as such, he does not deserve concession of bail.

6. Considering the respective arguments and in the interest of justice, it is observed that the allegation against the petitioner is that he along with the co-accused has snatched the mobile phone of the complainant after inflicting injuries on her, admittedly, those injuries are not attributed to the petitioner but to the co-accused, who was the pillion rider. The petitioner is in custody since 09.09.2023 and the charges have been framed and out of total 16 witnesses cited by the prosecution, none has been examined till date, the conclusion of trial in the present case will take sufficient long time and in these circumstances, it is observed that no purpose would be served in detaining the petitioner in custody. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

7. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.
8. 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.
9. Petition stands allowed.

22.02.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |