

CRM-M-1970-2024

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-1970-2024 (O&M)

Date of Decision: 19.01.2024

SAJAT SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Prikshit Thakur, Advocate and
Mr. Rahul Bharvava, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 122 dated 12.07.2023 registered under Sections 379-B, 411, 414 of Indian Penal Code at Police Station Division-A, District Amritsar.

2. Present FIR was lodged on the statement of complainant-Majinder on the allegations that he does work of cashier and marketing at Basal Mill Ludhiana. He had come to Amritsar Bus-stand for some personal work and was standing at counter number 10 and was holding mobile phone make REAL-ME whose sim number is 8528991881. One clean shaven young person came from the back side and snatched his phone and ran away. The complainant raised hue and cry and followed the snatcher. Due to the slippery path, the snatcher fell down at the gate number 2 of the bus-stand and people who were standing nearby, surrounded him and caught him.

3. Learned counsel for the petitioner *inter alia* contends that

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petitioner is behind the bars since 12.07.2023 and the Investigating Agency has already concluded the investigation and filed the final report under Section 173 of Cr.P.C. on 02.09.2023. The petitioner is a young boy of 22 years of age and he is not involved in any other case. Trial of the case is likely to take long time to conclude.

5. Per contra, learned State counsel opposes the prayer of grant of regular bail to the petitioner on the ground that petitioner was arrested at the spot by the public, while he was trying to fled away after snatching the mobile phone of the complainant, as such, his complicity in the present case is fully established.

6. Having heard the learned counsel for the parties and after perusing the record, it transpires that petitioner is behind the bars since 12.07.2023 and the Investigating Agency has already concluded the investigation and filed the final report under Section 173 of Cr.P.C. on 02.09.2023. Trial of the case is yet to commence as none out of the 7 witnesses as cited by the prosecution, has been examined. Culpability, if any, would be determined at the time of trial.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not

only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

7. Without commenting upon the merits of the case, lest it may prejudice the outcome of the trial, the present petition is allowed and petitioner-Sajat Singh is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

19.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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