

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-4254-2024

Date of Decision: 27.2.2024

Gurtek Singh @ Sahil

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Rashika Bansal, Advocate for
Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.41 dated 26.6.2023 registered for the offences punishable under Sections 379-B(2), 224 IPC and Sections 25, 27 of Arms Act at Police Station Mehta.

2. The allegations in nutshell are that FIR in the present case was registered against 3 unknown persons who snatched ₹ 20,000/- from Salesman of a petrol pump and at that time, one of them also used firearm. The allegations against the petitioner are that he actively participated in the said incident of snatching and was driving the motorcycle at that time.

3. Counsel for the petitioner, while praying for grant of regular bail to the petitioner, *inter alia* submits that FIR in this case was registered against 3 unknown persons who snatched ₹ 20,000/- from the Salesman of Iqbal Filling Station, village Usma, Police Station Mehta and one of the said miscreants also fired shot and then they escaped from there. He further

submits that the petitioner is in custody for the last more than 5 months and no incriminating article was recovered from his possession and the trial is at its initial stage.

4. Present petition is resisted by the State counsel who submits that there are allegations that at the time of occurrence, the petitioner was driving the motorcycle while co-accused Jagdish Singh used firearm and snatching was effected by all the three persons. State counsel on instructions from SI Balwinder Singh has not disputed the fact that FIR in this case was registered against 3 unknown persons and that the petitioner is behind the bars for the last more than 5 months and is having no criminal history and that it will take considerable time for the trial to conclude.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, FIR in the present case was registered against three unidentified persons who snatched cash from Salesman of a petrol pump and at that time, one of them also used firearm. The petitioner is in custody for the last more than 5 months and is not involved in any other criminal case and after completion of investigation, the police presented challan and charges were also framed but till date, no prosecution witness is examined. Co-accused who allegedly supplied firearm which was used in the commission of the crime, is already granted bail by this Court vide order dated 23.1.2024. Identity of the petitioner will be established only during trial. Admittedly, it will take considerable time for the trial to conclude. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

February 27, 2024
Paritosh Kumar

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