

CRM-M-5010-2024
Date of Decision: 20.03.2024

MANDEEP SINGH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr. Inderjeet Singh, 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.157 dated 07.10.2023 registered for the offences punishable under Sections 379-B, 341, 506, 427, 148, 149 of IPC at Police Station City Batala, District Batala/Gurdaspur.

2. As per the allegations appearing in the FIR, eight unknown persons intercepted truck driven by complainant-Arshad Hussain at about 2.00 PM on 07.10.2023 and they attacked complainant and damaged the truck and took away his mobile phone having SIM number 8899279062 along with keys of truck. During investigation petitioner was arrested on 15.10.2023.
3. Counsel for the petitioner submits that the FIR in this case was registered against the unknown persons, who snatched mobile phone of the complainant that later on petitioner was falsely nominated as

accused and arrested but during investigation of the case no incriminating article was recovered from his possession. It will take time for the trial to conclude and that no gainful purpose will be served by keeping the petitioner behind the bars for any longer period.

4. On the other hand, the present petition is contested by the State counsel, who submits that no doubt FIR in this case was registered against unknown persons but during investigation the name of the petitioner surfaced and consequently he was arrested on 15.10.2023. However, the State counsel on instructions from ASI Surinder Singh has not refuted the fact that no incriminating article was recovered at the instance of the petitioner who is presently lodged in judicial custody and that trial will commence only after the framing of charges and for that purpose trial is fixed for 28.03.2024.

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

6. The FIR in this case was registered against unknown persons who snatched mobile phone and keys of truck from complainant. The petitioner was nominated as accused during investigation and was arrested and is presently lodged in judicial custody. During investigation no stolen/snatched article was recovered from his possession. After completion of investigation, police has presented challan but charges are still to be framed and even thereafter It will take time for final disposal of the trial. In the given circumstances, no useful purpose is going to be served by detaining the petitioner in custody for any further 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

CRM-M-5010-2024 :3: **2024:PHHC:040493**

to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty
Magistrate concerned.

20.03.2024
Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

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