

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-8797-2024 (O&M)
Date of Decision:- 10.04.2024

AMRITPAL SINGH

Versus

...Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Yajur Sharma, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Short reply dated 10.04.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Sub-Division Majitha, Amritsar (Rural) is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
135	06.08.2023	379-B(2) and 34 IPC	Majitha, District Amritsar Rural

4. It is, *inter alia*, contended by learned counsel for the petitioner

that the petitioner is innocent and has been falsely implicated in the case. He submits that the petitioner is in custody since 06.08.2023 and challan has already been presented in Court. As per the case of the prosecution, recovery of 1 kit is allegedly effected from the petitioner. He contends that there has been unexplained delay of one week in registration of the FIR. He submits that although petitioner was facing another case, however, he has since been acquitted therein. He thus prayed for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel, while referring to the short reply submitted by the State, contends that petitioner along with co-accused had snatched the articles of the complainant on 31.07.2023. He has however admitted that recovery effected from the petitioner is only 1 kit and out of 9 witnesses cited by the prosecution, none has been examined as of now.

6. Heard.

7. After considering the respective submissions and perusing the record, it transpires that the instant case was registered against the petitioner on the allegations that he along with co-accused had snatched mobile phone, purse, kit and other documents from the complainant by putting him under fear on 31.07.2023. The FIR was registered on 06.08.2023 and only on the same day, the petitioner was arrested and recovery of 1 kit was effected from him.

8. Admittedly, after the conclusion of investigation, challan has already been presented in this case and out of 9 witnesses cited by the prosecution, none has been examined till date. The petitioner is in custody

since 06.08.2023 and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and he cannot be left to incarcerate in jail for indefinite period.

9. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
11. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)

JUDGE

10.04.2024

S.Sharma(syr)

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