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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10496-2024(O&M)
Date of decision:-22.05.2024

KULBIR SINGH @ JASS @ SONU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.H.P.S. Sidhu, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

CRM-22068-2024

1. Application is for placing on record copy of statement of PW1 as Annexure P-4.
2. Heard.
3. Application is allowed as prayed for, subject to all just exceptions and statements of PW1 (Annexure P-4) is taken on record.
4. Registry to tag the same at appropriate place.

Main case

1. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the



following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
249	28.08.2023	379-B(2), 411, 148, 149 IPC and 25 of Arms Act	Sadar Amritsar, District Amritsar

2. 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 submits that petitioner is in custody since 01.09.2023 and no recovery has been effected from him in this case. He submits that Vishal-complainant of the case appeared as PW-1 and turned hostile and has not identified the person who has snatched his mobile phone. He submits that co-accused Gurprabhjeet Singh has been granted benefit of regular bail by Additional Sessions Judge, Amritsar vide order dated 13.02.2024 (Annexure P-2). He submits that after completion of the investigation, challan has been presented in Court and final disposal will take sufficient long time, as such, he prays for grant of concession of regular bail.

3. *Per contra*, learned State counsel has not disputed the factual matrix of the case, however submits that considering the nature and gravity of the offence petitioner does not deserve concession of regular bail. On instructions from ASI Gurcharan Singh present in Court submits that the complainant of the case Vishal appeared in the Court as PW1 and turned hostile and not identified the persons who had snatched his mobile.

4. After considering the rival contentions and perusing the record, it is transpires that as per the case of the prosecution the instant FIR was registered on the complaint of Vishal alleging that 5-6 unidentified persons at about 12:15 AM on 28.08.2023 snatched his mobile phone and motorcycle.



It is admitted that Vishal-complainant of the case appeared as PW-1 and turned hostile and has not identified the person who has snatched his mobile phone (Annexure P-4). Co-accused Gurprabhjeet Singh has been granted regular bail by Additional Sessions Judge, Amritsar vide order dated 13.02.2024 (Annexure P-2). After completion of the investigation, challan has been presented in Court. The conclusion of trial in the present case, to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

5. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

22.05.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |