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CRM-M-12015-2024

Date of Decision: 13.03.2024

Akashdeep Singh alias Jolly

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.233 dated 12.11.2023 registered under Section 379-B of IPC and offence under Section 411/201 IPC added later on, at Police Station Ranjit Avenue, Amritsar.

2. The FIR in the present case was registered on the basis of the statement made by Vidushi Sharma d/o Rakesh Sharma. As per her, at about 7.30 p.m. on 11.11.2023, she had gone to Pizzeria restaurant, Ranjit Avenue, Amritsar and in the meantime, two persons came on a motorcycle and snatched her mobile phone. She searched for them but could not find them and the FIR in the present case was ordered to be registered.

3. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and has been falsely involved on the basis of the disclosure statement suffered by him in another case i.e. FIR No.133 dated

12.11.2023 under Section 25 of Arms Act, registered at Police Station Majitha Road, Amritsar. He further contends that the mobile phone, which was allegedly snatched by the petitioner, has already been recovered from him. The petitioner was arrested in the present case on 17.12.2023 and the final report under Section 173 Cr.P.C. has already been presented before the competent Court. However, no witness has been examined so far and the trial Court may take considerable time in concluding the trial.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that one more case under Section 25 of Arms Act has been registered against the present petitioner and he does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner is in custody since 17.12.2023 and the challan has already been presented before the competent Court. Still further, there is one more case under Section 25 of Arms Act registered against the present petitioner but the petitioner is on bail in the said case.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

13.03.2024.
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(N.S.SHEKHAWAT)
JUDGE

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