

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-12544-2024 (O&M)
Date of Decision:- 15.04.2024

SAHILPREET SINGH @ GANJU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. G.S. Bhatia, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

Short reply dated 15.04.2024 filed in the form of an affidavit of Assistant Commissioner of Police, South, Amritsar City, is taken on record.
Copy thereof has been supplied to learned counsel for the petitioner.

2. 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
98	20.11.2023	379-B IPC; (Sections 411 and 34 IPC added later on)	C-Division, Amritsar, Punjab

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 contends that even otherwise no recovery has been effected from the petitioner, who is stated to be riding the motorcycle. He further contends that recovery of mobile phone has already been effected from the pillion rider i.e. co-accused Arshdeep Singh. He submits that petitioner has no criminal antecedents and he is the sole bread earner of his family. He further submits that petitioner is in custody since 21.11.2023 and challan has already been presented in Court. He thus prays for grant of regular bail to the petitioner.

5. Learned State counsel while referring to the short reply submitted by the State has assailed the arguments made by learned counsel for the petitioner by stating that petitioner along with co-accused Arshdeep Singh had snatched the mobile phone of the complainant, as such, the petitioner does not deserve the concession of bail. He has, however, admitted that the mobile phone has since been recovered from the co-accused Arshdeep Singh and no recovery has been effected from the petitioner.

6. Heard.

7. After considering the respective submissions and perusing the record, it transpires that as per the allegations in the FIR, the petitioner and co-accused Arshdeep Singh had snatched the mobile phone of the complainant, which was later on recovered from co-accused Arshdeep Singh. The petitioner was arrested in this case on 21.11.2023 and no recovery was effected from him. Challan has already been presented in Court and charges have been framed, however, out of 13 witnesses cited by

the prosecution, none has been examined so far and no criminal case is registered against the petitioner. The conclusion of trial to ascertain the 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.

8. 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.

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

10. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

15.04.2024
S.Sharma(syr)

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