

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-16610-2024 (O&M)
Date of Decision:-10.4.2024

Mangat Ram ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
472	17.11.2022	Division No.7, District Commissionerate Ludhiana	379-B, 411 of Indian Penal Code, wherein offence under Section 34 IPC was added later on

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged on the basis of secret information received by the police to the effect that on 17.11.2022, Rajat Sharma and Mangat Ram were roaming on stolen motor cycle bearing registration No.PB-91C-2303 make HD Deluxe at Tajpur Road, Ludhiana, for selling snatched mobile phones and if barricading was held, they could be apprehended with stolen motor cycle

and snatched mobile phones. Pursuant to receipt of said information, barricading was laid and two persons were seen coming on a motorcycle bearing registration no. PB91-C-2303 from the GT Road side, who upon seeing the police party tried to turn back but the police party apprehended them. Upon inquiry, driver of the motorcycle disclosed his name as Rajat Sharma and the person sitting on the pillion seat disclosed his name as Mangat Ram. Upon personal search of accused Rajat Sharma three mobile phones of different companies and two mobile phones of different companies were recovered from accused Rajat Sharma. The abovesaid mobile phones and motorcycle were taken into possession by the police.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It has been submitted that no recovery whatsoever was ever effected from the petitioner and the snatched mobile phones were recovered from co-accused Rajat Sharma and not from the petitioner. Learned counsel informed that co-accused Rajit Sharma @ Rajat Sharma, from whom snatched mobile phones were recovered, has already been granted bail vide order dated 11.5.2023 (Annexure P-1). It has also been informed that the petitioner is not involved in any other case.
4. Opposing the petition, learned State counsel submitted that since the petitioner is specifically named in the FIR, he does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year, 4 months and 22 days. It has also been informed that as on date 2 PWs out of the cited 7 PWs have been examined and that the petitioner is not involved in any other case.

5. This Court has considered the rival submissions addressed before this Court.
6. Without commenting anything as regards merits of the case, but having regard to the custody of the petitioner i.e. about 1 year, 4 months and 22 days and that co-accused Rajit Sharma @ Rajat Sharma, from whom stolen mobile phones were recovered, has already been granted bail vide order dated 11.5.2023 (Annexure P-1) and also the fact that the conclusion of trial is likely to take some time inasmuch as only 2 PWs out of the cited 7 PWs have been examined so far, further detention of the petitioner will not serve any useful purpose.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.4.2024
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasonedYes / No

Whether ReportableYes / No