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2024:PHHC:047085

CRM-M-16082-2024
Date of decision : 08.04.2024

....Petitioner

STATE OF PUNJAB

...Respondent

Present : Mr. Harmanpreet Singh, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.8 dated 16.01.2024 registered for the offences punishable under Sections 379B & 34 of the Indian Penal Code, 1860 at Police Station Chheharta, District Police Commissionerate Amritsar.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the contents of the FIR it has been alleged as under:

“Sir, It is requested that I am Monika D/o Shiv Lal R/o H.No. 120 Street no. 01 Jandpeer Colony, Khandwala, Amritsar. Today on 16.01.2024 at about 10:10 AM while I was getting in an auto then two haircut boys came on a motorcycle and snatched my phone. The boy sitting on the pillion snatched my phone vivo sim airtel no. 7087197713. It is requested that I may be helped in

finding my phone. Appropriate legal action be taken. SD/-
Monika”

4. Counsel for the petitioner submits that the recovery of the mobile phone is from the co-accused and not from the petitioner. He further submits that the petitioner is behind bars for more than 2 months and 15 days. Challan stands presented and petitioner has clean antecedents.
5. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.
6. I have heard counsel for the parties and have gone through records of the case.
7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 08, 2024
Dpr

(Pankaj Jain)
Judge

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