

217 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-18085-2024
Date of decision: 4th July, 2024

Karan @ Bobby

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Angad Parmar, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
351	21.12.2023	Sadar, District Amritsar	379-B read with Section 34 of IPC, 1860 (later on Section 379-B(2), 201 of IPC added)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Shiva alleging therein that on 21.12.2023 at about 12:05 AM, he was going on his bicycle towards Bankey Bihari Gali, Batala road, Amritsar and when he reached at Vijay Nagar area, two youths riding on a motor bike intercepted him and told him to stop. The complainant did not stop his cycle but one of the pillion rider of the bike



kicked his cycle thereby making him fall on the ground. One of them was armed with a knife. Thereafter, they snatched his cycle and an amount of Rs. 10,000/- kept in the back pocket of his pant and fled away. He also stated that he could identify the snatchers on seeing them. After registration of FIR, investigation proceedings were initiated. On 22.12.2023, on the basis of a secret information, raid was conducted by the police in the house of the co-accused Mangal Singh @ Ashu who was joined into investigation and during the course of investigation, while admitting his involvement in the offence, suffered disclosure statement taking the name of the petitioner as co-accused. He also got recovered knife which he was carrying at the time of occurrence. The petitioner was also arrested on the same date. He too suffered disclosure statement admitting his involvement in the case and got recovered the motorcycle used at the time of occurrence and cycle of the complainant. Investigation has since been completed. Challan has been presented in the Court and the petitioner is facing trial for commission of aforementioned offences. The petitioner had moved an application for grant of regular bail before the learned trial Court which had been dismissed vide order dated 28.02.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 22.12.2023. His custodial interrogation is no more required. Trial is likely to take time. No useful purpose would be served by keeping him in custody. Therefore, it is urged that he deserves to be extended benefit of bail.



4. Status report has been filed by the respondent-State. It is argued by learned State counsel that there are serious and specific allegations against the petitioner. There are chances of petitioner's absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with co-accused is alleged to have snatched a sum of Rs. 10,000/- and the cycle belonging to the complainant on the night of 21.12.2022. The said cycle is stated to have been recovered at his instance. Petitioner is in custody since 22.12.2023. The trial is likely to take time. His further incarceration would not serve any purpose. It is well settled proposition of law that the bail is rule and jail is an exception. Keeping in view the discussion as made above, I am inclined to hold that the petition deserves to be allowed. The same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court and further subject to the condition that he will not try to contact or intimidate the prosecution witnesses during the trial and shall not tamper with the evidence and further that he shall disclose his present complete and correct address as well as mobile phone number to the trial Court at the time of furnishing of bonds and if any change in his address or the given mobile phone number takes place, the same shall be done only with prior intimation to the trial Court.

The trial Court shall also be at liberty to impose any other condition as deemed appropriate.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]

JUDGE

4th July, 2024

Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No