

2024:PHHC:143979



217.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-18503-2024 (O&M)

Date of decision: 05.11.2024

Prem Kumar @ Petla

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Gaurav Vir Singh Behl, Advocate, for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.03, dated 07.01.2024, registered under Sections 379-B, 323 of IPC at Police Station City-2, Abohar, District Fazilka.

2. The aforesaid FIR was registered on the statement of Deepu with the allegation that on 07.01.2024 at about 8.00 PM when he, being handicap, was sitting on his tricycle, the petitioner came to him and forced him to pay Rs.500/- and when the complainant refused by saying that he used to collect money by begging, the petitioner snatched his crutch, inflicted injuries to him and forcibly took Rs.1,780/- from the pocket of his jacket. Petitioner was arrested on the same day i.e. on 07.01.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. The allegations

that the petitioner snatched Rs.1,780/-, inflicted three blunt injuries on the person of complainant and given threat, are matter of trial. No such offence under Section 379-B IPC has been committed. Petitioner is in custody since 07.01.2024. Challan in the case has been presented. Trial in the case will take some time to conclude and further incarceration of the petitioner would serve no purpose.

4. Learned State counsel has opposed the bail to the petitioner on the ground that he has given beatings to a handicapped person i.e. complainant and snatched Rs.1,780/- from him under threat. Petitioner is involved in four other cases i.e. two FIRs under Excise Act and one case of similar nature.

5. I have heard the submissions of learned counsel for the parties.

6. Considering the fact that the petitioner is in custody for the last almost 10 months, his culpability would be determined during trial and completion of trial will take some time, pendency of other cases is no ground to decline bail, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall

not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

November 05, 2024
sanjeev

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