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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19032-2024 (O&M)
Date of Decision:- 04.11.2024

SUKHWINDER SINGH @ SANJU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Sanjeet Taank, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Short reply dated 21.08.2024 filed in the form of an affidavit of Assistant Commissioner of Police, North, Amritsar, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
98	31.08.2023	379-B(2) and 34 IPC	Majitha Road, Amritsar

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



submits that the petitioner is in custody since 07.09.2023 and after the completion of investigation, challan has been presented in the Court, and as such, he is not required for further investigation. Thus, prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the short reply submitted by the State has opposed the petition on the ground that three other cases of similar nature are also registered against the petitioner, as such, he is a habitual offender and the snatched vehicle was recovered from the house of the petitioner. Thus, the petitioner does not deserve the concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR (Annexure P-1) was registered by the complainant on account of his Aactiva scooter bearing No.PB02-DX-2973 being snatched on the fateful day. Subsequently, the petitioner was nominated in the case and was later on arrested and the Aactiva scooter of the complainant was allegedly recovered from his house. Admittedly, the petitioner is in custody since 07.09.2023. Although there are 3 more cases registered against him, but he is stated to be on bail therein. Challan has already been presented in Court and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, 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/Judge on Duty/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.

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

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

(SANJIV BERRY)
JUDGE

04.11.2024
S.Sharma(syr)

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