

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19838-2024 (O&M)

Date of Decision: 26.04.2024

Mani ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Anosh Samson, Advocate, for the petitioner.

Mr. Vishavjit Singh Virk, DAG, Punjab,
assisted by ASI Kamaljit Singh.

FIR No.	Dated	Police Station	Section/s
317	09.11.2023	Sadar Amritsar, District Amritsar	379-B(2), 34, 411, 201 IPC

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Deepak Kumar, wherein it is alleged that he is working as delivery boy with Swiggy Food Delivery App and that on 09.11.2023 at about 3.30 AM, when he was going on his motor-cycle to deliver food to a customer, then he was waylaid by 2 persons with muffled faces out of which one was carrying a *gandassi* who inflicted 2-3 blows with the same on the head of the complainant and snatched his mobile phone and an amount of Rs.2000/-.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and was arrested after 2 days of the lodging of FIR on the basis of alleged secret information. It has been submitted that the petitioner otherwise enjoys a clean record and is not involved in any other case.
4. Opposing the petition, learned State counsel submitted that since certain definite information had been received against the petitioner and at the time of his arrest, 1 lap-top, 1 *gandassi* and 1 motor-cycle were recovered from him, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 5 months & 14 days and that he is not involved in any other case. It has also been informed that although charges have been framed, but none out of cited 14 PWs has been examined till date.
5. This Court has considered rival submissions.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner, who enjoys a clean record, has been behind bars for the last more than 5 months and that the trial is yet to commence inasmuch as none out of cited 14 PWs has been examined so far, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

26.04.2024

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No