

BITTU BHAIYA

Versus

STATE OF PUNJAB

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Akash Manocha, Advocate and
Mr. M.S. Khaira, Advocate for the petitioner.
Mr. Rahul Jindal, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.110 dated 13.04.2023 registered under Sections 379-B, 411 and 34 of IPC & Sections 25, 54 and 59 of Arms Act at P.S. Sadar Amritsar, District Amritsar wherein the petitioner has been implicated with the allegations of having snatched a scooty from the complainant.
2. The prayer made herein has been opposed at the instance of learned State counsel while referring to the antecedents of the petitioner who is stated to be involved in three more cases of similar nature.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.
4. In the present case, investigation stands concluded with the filing of challan followed by framing of charges and the petitioner is behind the bars for a period of almost 9 months by now. Besides it, out of 11 prosecution witnesses only 4 have been examined so far, thus,

the trial is likely to take some time. Moreover, the recovery which has been allegedly made from the petitioner was from a public place, open to one and all and thus, the recovery made at the instance of petitioner becomes debatable in terms of Section 27 of Indian Evidence Act, 1872. As regards the involvement of petitioner in other cases, he is admittedly on bail. Considering the aforesaid facts and circumstances, this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

24.04.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>