



CRM-M-19839-2024

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

CRM-M-19839-2024

Date of decision: 08.08.2024

Rahul and another

....Petitioners.

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. F.S. Bhullar, Advocate,
for the petitioners.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Amanpreet Singh Pannu, Advocate,
for the complainant.

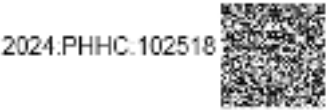
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SANJIV BERRY, J. (ORAL)

Custody certificate dated 07.08.2024 filed by learned State
counsel is taken on record.

2. Mr. Amanpreet Singh Pannu, Advocate, has entered
appearance on behalf of the complainant and filed his vakalatnama.
The same is taken on record.

3. Instant petition has been filed under Section 439 of the
Code of Criminal Procedure for grant of regular bail to the petitioners
in case FIR (Annexure P-1). Details of the FIR are as under: -



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FIR No.	Dated	Sections	Police Station
0269	07.12.2023	379-B, 411, 34 IPC	Chheharta, District Police Commissionerate Amritsar

4. It is, *inter alia*, contended by learned counsel for the petitioners that the petitioners being innocent have been falsely implicated in this case and are in custody since 07.12.2023. He contends that challan has already been presented in the Court and the petitioners are having no other criminal case registered against them and even the complainant had effected the compromise dated 20.03.2024 vide Annexure P-2. He has categorically stated that the petitioners are not the persons who had snatched the mobile phone from him. Hence, the instant petition for grant of anticipatory bail.

5. Per contra, learned State counsel, has submitted that as per the allegations levelled in the FIR, the petitioners have snatched the mobile phone of the complainant on the fateful day and as such they do not deserve concession of bail.

6. On the other hand, learned counsel for the complainant has admitted the factum of compromise having been effected between the parties. As a consequence, the complainant having voluntarily given the affidavit dated 20.03.2204 (Annexure P-2) has submitted that he has no objection if the petitioners are given concession of bail.

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7. Considering the rival contentions and perusing the record, it transpires that the aforesaid FIR (Annexure P-1) was registered on the statement of the complainant that on 05.12.2023, three unknown persons had snatched his mobile phone and ran away on the motorcycle. Later, the police nominated the present petitioners along with one juvenile. The said juvenile has since been granted concession of probation by the Juvenile Justice Board. The petitioners are in custody since 07.12.2023; challan has already been presented in the Court and completion of trial will take sufficient long time to conclude. It is worth mentioning that the complainant has categorically given the affidavit dated 20.03.2024 (Annexure P-2) to the effect that the petitioners are not those persons who had snatched his mobile phone. There is no other criminal case registered against the present petitioners, therefore, in these circumstances, no purpose would be served in keeping the petitioners in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioners are ordered to be released on bail on their furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

8. The petitioners shall give the undertaking that they will not leave the country without prior permission of the Court; will

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regularly appear before the trial Court on each and every date; in case of some exigency, they will seek prior permission of the concerned Court qua their exemption to appear on the date fixed and they will not tamper with evidence of prosecution in any manner.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

10. Petition stands allowed.

08.08.2024
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(SANJIV BERRY)
JUDGE

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