

CRM-M-20068-2024

2024:PHHC:058253
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-20068-2024
Date of Decision : April 29, 2024

KAWALJEET SINGH @ LUCKY

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

Mr. Sandeep Sharma, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.0364 dated 4.12.2023, Under Section 379B IPC, registered at Police Station Division-B, Amritsar City, District Amritsar.

2. The instant FIR, has been registered on the statement suffered by one Anuradha Khurana wife of Shri Sham Lal Khurana, wherein, she alleged that on 4.12.2023, she alongwith her daughter went to market for shopping and when they reached in front of the door of their house and were about to park their Activa, then one young person came on motorcycle make Discover and snatched her purse containing Rs.5000/-, one mobile phone F-14 colour black make Samsung having

SIM No.8872957174 of Idea Company and it also contained her Aadhar Card and the Aadhar card of her daughter, which she was holding in her hand. During checking of CCTV camera, it surfaced that the number of said motorcycle reflected as PB-10-CA-7788 and that it was driven by the petitioner. On the basis of the above statement, the present FIR was registered and the present petitioner was arrested. The recovery was effected from the petitioner.

3. Learned counsel for the petitioner has mainly relied upon Annexure P-2, which is a compromise effected between the present petitioner and the complainant to contend that since the matter stands resolved *inter se* the parties, therefore, the FIR would yield no fruitful result, rather would be wastage of the precious time of Court. He further submits that the petitioner has already suffered incarceration of about 5 months and has clean antecedents and is not involved in any other case.

4. *Per contra*, the learned State counsel has opposed the grant of regular bail to the petitioner on the ground that the petitioner is the main accused, who has committed the act of snatching therefore, his act invites the rigor of Section 379 B IPC. He has also placed on record the custody certificate of the petitioner, which make revelations that the petitioner has suffered incarceration of 4 months and 22 days as on today, in the instant FIR. The learned State counsel has also informed this Court on instructions imparted to him by the official concerned, that the investigation has already been completed and the final report was filed on 3.2.2024 and whereupon the learned trial Court concerned proceeded to frame charges on 27.2.2024. He further submits that out of total 11

prosecution witnesses, none has been examined so far.

5. Learned counsel for the respondent-complainant has caused appearance and has admitted the factum of compromise.

6. Be that as it may, this Court has considered all the above facts and finds that the instant petition deserves to be allowed primarily on the ground that the matter has been compromised between the parties concerned and the petitioner, who has clean antecedents, has suffered incarceration of approximately 5 months and the petitioner has clean antecedents and only charges have been framed by the learned trial Court concerned and the trial is yet to commence, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

April 29, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No