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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-20814-2024
Date of decision:-03.07.2024

KALU RAM @ BHACHUA @ CHHOTU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sourav Kanojia, Advocate for the petitioner.

Mr. Eklavya Darshi DAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed short reply by way of affidavit dated 03.07.2024 of Assistant Commissioner of Police, Industrial Area-A, Ludhiana. The same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
04	07.01.2024	379-B(2) read with Section 34 IPC	Moti Nagar, District Ludhiana.

3. 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 10.01.2024 and is not required for further investigation as the challan has already been presented in Court and the conclusion of trial will take sufficient long time, as such, he prays for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel opposed the bail application by arguing that the petitioner is alleged to have snatched the mobile phone from the complainant and upon his arrest 3 mobile phones were recovered from him. He further submits that the challan has already been presented in Court and 14 witnesses have been cited by the prosecution.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution the instant FIR was registered on the allegation that while the complainant was returning from Gym on foot, 3 persons came on a motorcycle and snatched his mobile phone. Subsequently the petitioner was arrested on 10.01.2024 and recovery of mobile phone was effected. After conclusion of the investigation, challan was presented in Court wherein the prosecution has cited 14 witnesses.

6. Admittedly, none of the witnesses cited by the prosecution have yet been examined and the conclusion of trial in the present case, to ascertain criminal liability, if any, of the petitioner will take sufficient long time, and no purpose would be served by detaining the petitioner any longer in custody.

7. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety



bonds to the satisfaction of learned Trial Court 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.

(SANJIV BERRY)
JUDGE

03.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |