

2024:PHHC:000217

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-22542-2023
Date of decision : 04.01.2024

Kunan Singh @ Kunna @ Kunna Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Fatehjeet Singh, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab
with ASI Rajinder Singh.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.87 dated 07.07.2022, registered for the offences punishable under Sections 379-B(2) and 427 of IPC (Sections 394, 397, 325, 201 and 34 of IPC added later on) at Police Station Maqsudan, District Jalandhar Rural.
2. As per the allegations levelled in the FIR, it was alleged as under:-

“Statement of Om Prakash son of Vijay Kumar resident of Khori Batwan, police station Hasanpur, district Samastipur at present resident of Motor of former Sarpanch Avtar Singh village Kabulpur motor village Kabulpur police station Maksuda district Jalandhar age 19 years phone number 62849-39123 stated that I am a resident of the said address and I am employed in Akshay

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Rubber Sundernagar Industry Area. I have been living with my mother Sheela Devi and father Shri Vijay Kumar in the motor-built residence of Avtar Singh for about 15 years. My father Mr. Vijay Kumar having a Khokha of beedi cigarettes between village Rauwali and Adda Noorpur near Rani Dharmakanda. He from home and go to Khokhe every day on bicycle and come back home after closing khokha at around 9 o'clock in the evening. As usual yesterday on 6-07-22 he went to Khoka, at around 9:30 PM, my known Rohit Kumar, son of Surinder Kumar, resident of kabulpur, called me and informed me that your father has been given injuries by some unknown persons at closed Suvidha Center near Kabulpur, he was seriously injured. Upon which I reached the spot, I came to know that some unknown person attacked my father with the intention of stealing his mobile phone and money and seriously injured him. Due to which he has suffered many injuries on his head, eye, chest and back. Upon which arranged for vehicle and got admitted him to Civil Hospital Jalandhar for treatment. But due to the more injuries, Dr. Sahib has referred my father to Amritsar for treatment. But due to paucity of time and due condition of father, I admitted my father to Shri Ram Neuro centre Jalandhar Hospital who is undergoing treatment. I came to know that my father inflicted with injuries with datar and sticks by three unknown persons and after injuring him, snatched his mobile phone, whose brand I don't know, however the number 76578-28441 was operational in it and they took the mobile phone along with Rs.6000/- from my father's pocket and

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also damaged my father's bicycle. Please take appropriate legal action against the persons who attacked my father and stole the mobile phone and money. The statement has been and scribed, read out, heard, found correct. xxx”

3. Though the petitioner was not named in the present FIR, however, he was arrested in FIR No.100 dated 04.08.2022, registered for offence punishable under Section 379-B(2) of IPC, at Police Station Maqsudan during which he was alleged to have confessed regarding 10 incidents of snatching from differed persons on different places. It is on account of the aforesaid confessional statement that the petitioner has been nominated in the FIR. Petitioner is behind bars for more than 01 year, 04 months and 28 days. Not only investigation stands concluded, rather the trial has proceeded considerably and the material witnesses stand examined.

4. Keeping in view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

04.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No