

212

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22330-2024
Date of decision:-10.05.2024

DHARMBIR SINGH @ KOMAL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Raghav Soni, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 09.05.2024, 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
240	31.08.2022	394, 379-B(2), 34, 473, 411 IPC	Cantonment, Amritsar

3. Brief facts of the case are that the present case was got registered on the basis of the statement made by Bhupinder Singh stating that at about 09:00 AM on 31.08.2022, his sister had gone for physiotherapy at Loharka Road on her scooter and while she was returning home two



young boys snatched her mobile phone and she fell from the Aactiva and got injured. She was admitted at Life Care Hospital, Fatehgarh Choorian Road, Amritsar. After sometime, the complainant came to know that Dharmbir Singh @ Komal and Gurjinder Singh @ Love had snatched the mobile phone from his sister and during the process of snatching, their motorcycle had slipped and both the accused had fallen on the road. The passersby had apprehended the accused namely Dharmbir Singh @ Komal and Gurjinder Singh @ Love at the spot. Hence the FIR was registered against the present petitioner and the co-accused.

4. 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 contends that petitioner is in custody since 31.08.2022, no recovery has been effected from the petitioner and the alleged recovery of the mobile phone has been made from the co-accused Gurjinder Singh @ Love who has since been granted concession regular bail by this Court vide order dated 01.02.2024 passed in CRM-M-61968-2023 (Annexure P-2). He submits that after completion of investigation, challan has been presented Court, and petitioner is not required for further interrogation, as such he prays for grant of concession of bail to the petitioner.

5. On the other hand, learned State counsel has assailed the arguments by submitting that the petitioner is involved in heinous crime and as such he is not entitled for concession of bail. He further submits that one case of similar nature has been registered against the present petitioner. However he has admitted that challan has been presented in Court after completion of investigation and prosecution has cited 25 witness and till



date none of them have been examined.

6. After considering the rival contentions and going through the record, it transpires that petitioner was arrested on 31.08.2022 since then he is in custody and no recovery has been effected from the petitioner. Co-accused Gurjinder Singh @ Love has been granted concession regular bail by this Court vide order dated 01.02.2024 passed in CRM-M-61968-2023 (Annexure P-2). After completion of investigation, challan has been presented in Court and prosecution has cited 25 witnesses and none of them have been examined till date. The conclusion of trial in the present case to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on 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

10.05.2024

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No