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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23815-2024
Date of decision:-28.10.2024

GURMEET SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr.G.P.S,. Ghuman, Advocate
Mr. Arun William and Atul Kumar, Advocates for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

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

FIR No.	Dated	Sections	Police Station
077	08.02.2024	379-B (2), 411, 148, 149, 120-B IPC	Division No.7, Ludhiana, District Ludhiana, Punjab

2. Arguments heard.
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 contends that in fact the petitioner was running a shop in the name of M/s Gulati Mobile Repair shop and has been repairing the mobile phones and also purchasing the old phones. He contends that police has falsely implicated the



petitioner in the present case and there is no allegations of snatching against the petitioner, the police had taken away all the mobile phones received from the customers for repair purpose and also the old ones purchased by the petitioner from the various customers just to sensitize the case. He has referred to Annexure P-5 to submit that various customers have written to SHO, P.S. Division No.7 regarding the ownership of the mobile phones but no action has been taken by the police. He contends that the petitioner had two more criminal cases registered against him, though he is acquitted therein and is in custody since 09.02.2024, challan has already been presented in Court and conclusion of trial will take sufficient long time, as such, he prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State and on instructions from ASI Sukhdev Singh present in Court has opposed the bail application by arguing that 198 mobile phones were recovered from the shop of the petitioner and after completion of investigation challan has already been presented in Court, hence he prays for dismissal of the petition.

5. After considering the rival contentions and perusing the record, it is observed that the instant case was registered on the secret information received by ASI Gurmeet Singh to the effect that petitioner alongwith co-accused were indulging in snatching of mobile phones and further selling the same at low price at Delhi. Consequent upon the arrest of the petitioner on 09.02.2024, the aforesaid mobile phones were recovered from his shop, which police claimed to be stolen property. On the contrary it is the stand of the petitioner that he is running a mobile repair shop and some of the mobile



phones are of customers received by him for repairs as referred to in Annexure P-5 in this regard and has further submits that some of the mobile phones were old phones purchased by him from the different customers. Investigation Officer ASI Sukhdev Singh present in Court on query has submitted that there is no complaint found to have been lodged, by anyone regarding the mobile phone to have been stolen or snatching, by them. Admittedly, after completion of investigation, challan has already been presented in Court wherein prosecution has cited 12 witnesses and till date none of them have been examined. There is no other criminal case pending against the petitioner as of now. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time in the present case.

6. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by 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.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

28.10.2024

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