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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23928-2024
Date of decision:-03.09.2024

JATINDER SINGH ALIAS MITHU
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

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

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply by way of affidavit dated 01.08.2024 of Assistant Commissioner of Police (Central), Amritsar along with custody certificate dated 02.09.2024, the same are taken on record. Copy thereof, have been supplied to the counsel opposite.

2. Arguments heard.
3. 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 :-

FIR No.	Dated	Sections	Police Station
125	07.11.2023	379-B(2), 148, 149, IPC and 25 of Arms Act	E Division, Amritsar

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 the petitioner is alleged to have hatched the conspiracy for committing the present crime but there is nothing substantial on record to connect the petitioner with such conspiracy. He submits that the petitioner was arrested in this case on 03.01.2024 and since then he is in custody. He submits that challan has already been presented in Court and it will take sufficient long time to conclude. Hence, he prays for grant of bail to the petitioner.

5. *Per contra* learned State counsel referring to the reply submitted by the State has submitted that the petitioner alongwith co-accused had committed crime by entering the shop of the complainant and on pistol point snatched his mobile phone. He submits that as per the investigation, the petitioner is alleged to have hatched the conspiracy and involved in doing surveillance of the shop of the complainant and on the basis of his information, the co-accused has committed the crime by going to the shop of the complainant. He however, admitted that the challan has already been presented in Court against the petitioner.

6. After considering the rival contentions and perusing the record, it transpires from the reply submitted by the State that the petitioner is not having any criminal antecedents and has been nominated in the present case on the allegations of doing surveillance of the shop of the complainant and allegedly informing the other co-accused to go to the shop of the complainant and snatching his mobile phone on pistol point. The petitioner is in custody since 03.01.2024, after completion of investigation, challan has already been presented in Court. The conclusion of trial to ascertain criminal liability, if



any of the petitioner will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping the petitioner behind bars any longer. 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

03.09.2024

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