

2024:PHHC:075187



S. No.230

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-25976 of 2024

Date of Decision:27.05.2024

Sarabjit Singh alias Sabba

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. N.S. Dadwal, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.0163 dated 08.11.2023 registered under Section 379-B(2) IPC, later on offence under Section 411 IPC was added, at Police Station Focal Point, District Police Commissionerate Ludhiana.

2. This is the second petition. The earlier petition bearing CRM-M-327 of 2024 is stated to have been dismissed as withdrawn on 26.02.2024.

3. As per the allegations, on 07.11.2023, two persons on motor-cycle waylaid complainant – Rahul Kumar and asked for his mobile. When the complainant refused, one of the riders gave him datar blow on the back of his left shoulder and snatched his mobile and fled away.

4. Learned counsel contends that the petitioner has not been named in the FIR; that he has been falsely implicated; that his earlier petition was dismissed as withdrawn because by that time, challan was not filed.. However, now challan has since been filed and trial may take long time to conclude. Learned counsel also contends that though the occurrence is alleged to have taken place on 07.11.2023 but FIR was lodged after one day's delay on 08.11.2023. As per the



FIR, complainant enquired at his own level and came to know about the involvement of the petitioner and co-accused in the snatching incident. Contention of learned counsel is that complainant did not disclose the source of his information and that in fact petitioner has been wrongly implicated.

5. Notice of motion.
6. Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of the respondent- State.
7. Learned State Counsel contends that the petitioner was later on identified by the complainant. However, it is conceded that the complainant had not disclosed the source of information as to how he came to know about the involvement of the petitioner in the crime.
8. As per the custody certificate placed on record, petitioner is in custody for the last 06 months and 16 days and he is not involved in any other criminal case.
9. Having regard to the afore-said facts and circumstances and the fact that the trial may take long time to conclude, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

May 27, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No