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CRM-M-26733-2024
Date of decision: 05.07.2024

Versus

State of Punjab ...Respondent.

Present:- Mr. Amarpreet Singh, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

Reply dated 05.07.2024, filed in the form of affidavit of Deputy Superintendent of Police, City-1, Bathinda, on behalf of State-respondent No. 1, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner

2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
0022	11.02.2024	379B, 413, 34 IPC	Canal Colony, Bathinda



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 from the allegations levelled in the FIR, no offence under Section 379B IPC is made out and a false case has been planted on the petitioner simply on the ground that some criminal cases are registered against him. He contends that there is no victim from whom any snatching has taken place in the present case. He contends that the petitioner is in custody since 12.02.2024. Hence, he prays for grant of bail.

4. Per contra, learned State counsel referring to the reply (*supra*) has submitted that the petitioner is involved in 13 more cases of similar nature and is habitual offender. He further submitted that from the possession of the petitioner, one iron pipe was recovered. Hence, prayed for dismissal of the petition.

5. Considering the submissions in the light of the allegations levelled in the FIR, it transpires that FIR was registered on the basis of secret information to the effect that the petitioner along with the co-accused was planning to commit a crime with dangerous weapon and is habitual of snatching and if they are intercepted they can be caught red handed. Accordingly, *naka* was laid and the petitioner along with other co-accused were apprehended. Admittedly, there is no complaint by



anybody aggrieved by the act and conduct of the petitioner nor is there any actual snatching reported by any victim. It is debatable as to how the police has registered a case under Section 379 B IPC. Moreover, admittedly, no recovery has been effected from the petitioner of any stolen article. However, allegation of snatching by the petitioner simply because other cases are pending against him will not dis-entitle the petitioner from concession of bail. The petitioner is in custody since 12.02.2024 and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner will take sufficient long time, hence, no purpose would be served in keeping the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.



7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

05.07.2024
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(SANJIV BERRY)
JUDGE

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