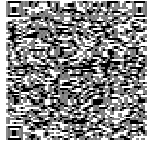


2024:PHHC:095800



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

220

CRM-M-26540-2024 (O&M)
Date of decision: 29.07.2024

Sandeep Singh @ Kalu **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

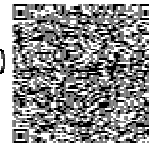
Present:- Mr. Charanjit Singh, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 07 dated 10.01.2024, registered under Sections 307, 379-B, 323, 341, 201, 427, 34 of IPC at Police Station Sangat, District Bathinda.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 10.01.2024 on the basis of the statement recorded by the complainant Karaj Singh alleging therein on 06.01.2024 at about 01:00 PM, he along with one Ajay Kumar was going towards village Kotha Guru Ka. When they reached ahead of village Kot Guru, three youths came on a motorcycle, which was not having any number plate. They encircled them. One of them gave a rod blow on his head. Another person gave a rod blow which hit on the head of Ajay Kumar. They

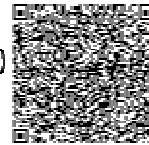
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both fell from the motorcycle and the accused persons snatched the kit bag from them, which was containing an amount of Rs. 55,750/-, two mobile phones and some other articles and documents. On raising alarm, the accused persons ran away from the spot. After registration of the FIR, investigation proceedings were initiated. The petitioner and co-accused Balwant Singh were arrested on 11.01.2024 and recovery of the motorcycle, allegedly used in the commission of offence, was effected from them. Co-accused Khushwinder Singh @ Gaggi was also arrested on 13.01.2024. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 07.05.2024.

3. The present petition has been filed by the petitioner on the grounds and his counsel has argued that he has been falsely implicated in this case. He is in custody since 11.01.2024. There is delay of 04 days in registration of the FIR as the incident had allegedly taken place on 06.01.2024, whereas the FIR was registered on 10.01.2024 and no satisfactory explanation has been given in this regard. Offence under Section 307 of IPC has not been made out. No weapon has been recovered by the petitioner. The investigation has since been completed, challan has been presented in Court and charges have been framed. Conclusion of trial is likely to take a long time. No useful purpose would be served by keeping him in custody anymore. Hence, it is urged that the present petition deserves to be allowed.

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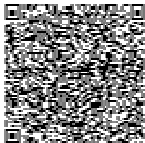


4. *Per contra*, learned State counsel, in terms of the status report filed today in Court, has argued that there are serious allegations against the petitioner. He along with co-accused had not only snatched the money and other articles from the complainant but has also inflicted injuries on his person with a rod. An amount of Rs. 15,000/- has been recovered from the house of the petitioner. There will be no undue delay in conclusion of trial. Therefore, he has argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record carefully.

6. The petitioner along with co-accused is alleged to have snatched an amount of Rs. 55,750/- along with two mobile phones and some other articles from the complainant and is further alleged to have caused injuries on his head with a rod. He is in custody since 11.01.2024. No weapon has been recovered from the petitioner. So far as the recovery of an amount of Rs. 15,000/- from the house of the petitioner is concerned, a plea has been taken by the petitioner that the said amount belonged to his father. It does not appear from the allegations as to whether the injury on the head of the victim was attributed to the petitioner and further that the said injury has been declared dangerous to life or not? The investigation has since been completed, *challan* has been presented in Court and charges have been framed. Conclusion of trial is likely to take time. Keeping in view the aforesaid facts and circumstances of the case, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore.

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7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

29.07.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>