

231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2024:PHHC:007730
CRM-M-27929-2023
Date of Decision: January 20, 2024

Kunan Singh @ Kunna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Param Preet Singh Bajwa, Advocate for the petitioner.
(Through Video Conferencing)

Mr. Amit Rana, Sr. DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

As 17.01.2024 was declared holiday. The case has been taken up today as per the direction of the authorities.

By way this petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in case FIR No.100 dated 04.08.2022, under Sections 379-B, 34 of IPC, registered at Police Station Maqsudan, District Jalandhar.

2. As per allegations, on the night intervening 31.07.2022/01.08.2022, complainant Anil Kumar was driving truck bearing registration No.PB-07-CA-7131. At about 2 a.m., he stopped his truck in front of power house of village Hahanpur, District Jalandhar. In the meantime, 03 young boys riding on a motorcycle came from behind. It was alleged that under threats, those persons snatched wallet of the complainant containing ₹13,000/- of Indian Currency and 01 dollar, besides Aadhar Card and mobile phone. Complainant noted the registration number of the motorcycle to be PB-29-Z-5456. Since complainant was in a hurry to reach his destination, so after consulting with the owner, he proceeded for Ludhiana. Complainant kept on making

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efforts to know the identity of the snatchers and came to know that it is petitioner Kunan Singh @ Kunna, who along with Daler Singh and Gurpreet Singh had committed the snatching. Petitioner was later on arrested on 05.08.2022.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that though the occurrence took place on the night of 31.07.2022/01.08.2022, but the FIR has been lodged on 04.08.2022; that the complainant did not disclose the source by which he came to know about the involvement of the petitioner in the crime; that no recovery of any of the snatched article has been effected from the petitioner; that he is in custody for the last more than 01 year and 05 months in the present case and that the trial may take time to conclude and so in these circumstances, he be allowed bail.

4. Opposing the bail petition, learned State counsel points out towards the custody certificate revealing that the petitioner is involved in other cases. It is also informed by learned State counsel that out of 12 witnesses cited by the prosecution, only 02 have been examined. Prayer is made to reject the bail petition.

5. No doubt, as per the custody certificate, petitioner is involved in various other cases, but at the same time the Court cannot ignore the attribution of the petitioner in the present case. Learned State counsel has not been able to convince this Court as to how the complainant came to know about the involvement of the petitioner in the crime after four days of the occurrence.

6. Having regard to the custody period of the petitioner, who is in custody for the last 01 years, 05 months and 14 days, as per the custody certificate and that the trial may take time to conclude, but without commenting anything further on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

January 20, 2024
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No