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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.27457 of 2024
Date of Decision: 30.07.2024

Harjinder Singh @ Jindi ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ishan Gupta, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
12	Kotbhai, District Muktsar Sahib	Sri 379B and 506 of IPC

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Baljinder Singh on 27.01.2024 alleging therein that on 24.01.2024, he was going towards the bus stand

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and was holding his cell phone make Vivo in his right hand. When he reached near Dera Baba Bhullar Das, suddenly three persons with muffled faces intercepted him. One of them was carrying a Khurchana and one out of them snatched his mobile phone and while threatening him, they fled away. He alleged that from their voices, he identified those three persons as the petitioner Harjinder Singh @ Jindi and co-accused Amninder Singh alias Sinda as well as Surjit Singh alias Kalu. He also disclosed that he could not report the matter earlier as all three of them had been pressurizing him to have a compromise with them. After registration of FIR, investigation proceedings were initiated. The petitioner and co-accused were arrested on the same night. They were identified by the complainant. The snatched mobile phone was got recovered by the co-accused Surjit Singh in pursuance of his disclosure statement whereas the petitioner got recovered Khurchana which he was carrying at the time of occurrence. Investigation has since been completed and the petitioner along with the co-accused is facing trial before the learned trial Court. He had moved application for grant of regular bail which was dismissed vide order dated 04.04.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 27.01.2024. FIR was registered after a delay of three days and no reasonable explanation has been given qua that delay. The co-accused has been extended benefit of bail. The trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be extended benefit

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of bail.

4. Status report has been filed by the respondent-State. In terms of this report, it is argued by learned State counsel that the petitioner along with the co-accused snatched the mobile phone of the complainant while carrying a weapon and extending threats to the complainant. He has criminal antecedents as three FIRs had been registered against him in one of which he stands acquitted. There are chances of his absconding or intimidating the witnesses if extended benefit of bail, therefore, it is urged that the petitioner does not deserve to be released on bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

6. The petitioner along with the co-accused is alleged to have snatched a mobile phone from the complainant on the night of 24.01.2024. The weapon which was allegedly carried by him at the time of occurrence, has been recovered from him. The co-accused has been extended benefit of bail. The trial is likely to take time. There is no basis for the contention that he may intimidate the witnesses or abscond if extended benefit of bail. Keeping in view the nature of the subject offence, the period of incarceration of the petitioner, the fact that the trial is likely to take time and on the ground of parity, I am of the considered that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

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7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

30.07.2024
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(MANISHA BATRA)
JUDGE

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