



275 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28301-2024
Date of decision: 2nd July, 2024

Akash
...Petitioner(s)
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vivek Salathia, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
89	26.12.2023	Verka, District Police Commissionerate, Amritsar	379-B(2) of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of the instant petition are that the aforementioned FIR was registered on 26.12.2023 on the basis of complaint lodged by the complainant Shaukat Basir alleging therein that on the same day at about 7-7:30 PM, he along with his companion was going back to his house existing opposite Guru Nanak Dev University, Verka, when five youths while riding on two motor



bikes the registration number of one of which was noted by him as PB02-EN-4379, reached there. One of them was carrying baseball whereas others were empty handed. They intercepted the complainant and his associate and made an exhortation to hand over whatever they were having and when he resisted, then one of them hit his head with a brick due to which blood started oozing out of the injury so received by him. They snatched his mobile phone and cash amount of Rs. 1100/- kept in his pocket. He raised alarm. In the meantime, his companion had also rushed for calling others for his rescue. The assailants managed to flee. The complainant, however, later came to know the names of four of the assailants as Akash, Sajan Singh, Sarwan Singh @ Soni and Gora and prayed for taking action against the culprits. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on the same night. Investigation has since been completed and challan has been presented in the Court. The petitioner had moved an application for grant of bail which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar, vide order dated 22.05.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. The co-accused Shivjeet Singh @ Gora and Sajan Singh who were named in the FIR have since been extended benefit of bail. On the ground of parity, he too deserves to be given the same benefit. He is in custody since 26.12.2023. Challan has since been presented. His custodial interrogation is



no more required. No useful purpose would be served by keeping him in custody. Therefore, it is argued that the petition deserves to be allowed.

4. *Per contra*, it is argued by learned State counsel that there are specific and serious allegations against the petitioner as he had not only snatched money and mobile from the complainant but had also hit his head with a brick and caused grievous injuries to him. There are chances of his absconding and intimidating the complainant and other witnesses if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

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

6. The petitioner along with the co-accused is alleged to have intercepted the complainant on 26.12.2023 and is further alleged to have snatched his mobile phone and purse while causing injuries to him. He is in custody since 26.12.2023. Investigation has since been completed. Challan has been presented. Trial is likely to take time. The co-accused who were booked for the same allegations, have since been extended benefit of bail. On the ground of parity, the petitioner too deserves to be extended the same benefit. It is well settled law that bail is rule and jail is an exception. Keeping in view the period spent by the petitioner in custody, the fact that the trial is likely to take time and the attendant facts and circumstances of the case, but without meaning to make any comment on the merits thereof, I



am of the considered opinion that the petition deserves to be allowed. Hence, the petition is allowed, the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

2nd July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |