



CRM-M-29418-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

CRM-M-29418-2024
Date of Decision : July 30, 2024

MAYANK VERMA

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vinay Puri, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.165 dated 22.12.2023, under Sections 379, 379-B, 411, 482, 34 of the IPC, registered at P.S. Basti Bawa Khel, District Jalandhar.

ALLEGATIONS IN THE FIR

2. Record reveals that the complainant Heera Singh son of Mohinder Singh has got registered the present FIR, on the allegations that, a police party headed by him was present on Kapurthala Road in Leather Complex Area, when two young persons came on Splendor motorcycle and on seeing police party, they turned their motorcycle and tried to run away, but, one of them (petitioner) was apprehended. On inquiry, the apprehended person (petitioner) admitted the fact that motorcycle has been stolen from Sital Nagar along with Sunil and Pamma.



CRM-M-29418-2024

2

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONER

3. The learned counsel for the petitioner, in his asking for the herein-above extracted relief, has made the following submissions:-

(i) A bare perusal of the FIR would reveal that no case under Section 379-B of the IPC is made out against the petitioner, rather, at the most, it is a case of offence under Section 379 of the IPC;

(iii) Petitioner has suffered incarceration of approx. 07 months;

(iv) Although the petitioner is involved in three more cases, however, he has been granted the concession of bail in two of those cases;

(v) Trial is not likely to conclude anytime soon, inasmuch as, despite the charges becoming framed on 19.03.2024, yet none out of the total 10 prosecution witnesses has been examined. Therefore, keeping the petitioner behind the bars would serve no gainful purpose;

SUBMISSIONS OF THE LEARNED STATE COUNSEL

4. Although the learned State counsel has opposed the grant of bail to the petitioner, however, on instructions imparted to him by the official concerned, he does not dispute the fact that, none out of the total 10 prosecution witnesses has been examined so far.

5. The learned State counsel has also placed on record the custody certificate of the petitioner, as issued by the Superintendent, Central Jail, Kapurthala.

REASONS FOR ALLOWING THE INSTANT PETITION

6. This Court has heard the submissions made by the learned counsels for the parties and perused the record. Be that as it may, considering the nature of allegations, period of incarceration suffered by the petitioner and



CRM-M-29418-2024

3

the stage of trial, this Court is of the view that the present petition deserves to be allowed. As per the custody certificate, the petitioner has suffered incarceration of approx. 07 months, and, although he is involved in three more cases, however, he has been granted bail in two of those cases. Moreover, trial is not likely to conclude anytime soon, inasmuch as, despite the charges becoming framed on 19.03.2024, none out of the total 10 prosecution witnesses has been examined so far, therefore, subjecting the petitioner to prolonged incarceration would serve no fruitful purpose.

7. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

9. It is also clarified that if, in future, the petitioner is found indulging in any similar kind of offence, the respondent-State shall be at liberty to seek cancellation of the bail, as granted herein by this Court.

July 30, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No