

2024.PHHC:103789



212.

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

CRM-M-30574-2024

Date of decision: 12.08.2024

Ravi Kant

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Yashpal Thakur, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J. (Oral)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.158, dated 05.11.2023, registered under Sections 341, 324, 379-B, 201 and 323 of IPC, registered at Police Station Sirhind, District Fatehgarh Sahib.

2. The aforesaid FIR was registered on the statement of Malkit Singh that on 04.11.2023, he was going on his motorcycle, at the small road, from his village after refilling petrol. However, when he reached near Village Wazirabad, one motorcycle rider, without number plate, suddenly crossed him and threw his motorcycle in front of the motorcycle of the complainant and due to which, the motorcycle of complainant fell down. Said person tried to snatch the mobile phone of complainant and gave injuries to him with sharp edged weapon and ultimately, snatched

away the mobile phone and ran away along with the weapon on his motorcycle.

2.1 As per the version of prosecution, the petitioner was already in custody in another case i.e. FIR No.232, dated 08.12.2023, under Sections 399, 402 of IPC and Section 25 of Arms Act, 1959. The petitioner was nominated in said FIR No.232 on the basis of his confessional statement.

3. Learned counsel for the petitioner submits that the petitioner was arrested in case FIR No.232, dated 08.12.2023 (supra) and implicated in this case as well. There is no eye-witness to the alleged occurrence and the whole case is based on circumstantial evidence. Nothing is to be recovered from the petitioner. Conclusion of trial in this case will take long time to conclude.

4. Learned State counsel has filed status report by way of affidavit dated 26.07.2024 of Sukhnaaz Singh, PPS, Deputy Superintendent of Police, Sub-Division Fatehgarh Sahib, District Fatehgarh Sahib, on behalf of respondent-State, which is taken on record. She has opposed the bail to the petitioner by contending that the petitioner himself has made confessional statement in case FIR No.232, dated 08.12.2023 (supra) about snatching of mobile phone and causing injuries to the complainant and further he sold the mobile phone to an unknown labour for Rs.2,500/-. Out of which, he used Rs.1,500/- for the purchase of intoxicant drugs and Rs.1,000/- was kept in an envelope at his residence and said amount was

recovered on his disclosure statement. Petitioner is involved in four other cases.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the paper book.

6. Petitioner was arrested in this case on 26.01.2024 after procuring his presence on production warrant. No mobile phone has been recovered from the petitioner. The culpability of the petitioner would be determined during trial.

6.1 Keeping in view the fact that the petitioner is in custody for the last about 6 months and 17 days after his arrest in this case and trial in the case will take some time to conclude, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that he shall get his mobile phone registered in the trial Court for receiving messages on CIS system and shall not change his mobile phone during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned police station. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

August 12, 2024
sanjeev

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