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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32637-2024
Date of decision:-05.11.2024

HARDEV SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Kirandeep Kaur, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 04.11.2024, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
165	05.10.2023	392 and 34 IPC (411, 201, 341 and 398 IPC added later on)	Jhunir, District Mansa

3. Arguments heard.

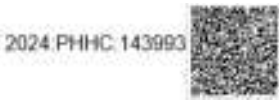
4. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case FIR (Annexure P-1). She contends that no specific overt act has been attributed to the petitioner nor any injury is attributed to him and even after his arrest on 09.10.2023 no recovery has been effected from the petitioner. She submits that even the alleged mobile phone of the complainant was recovered from co-accused Jagjiwan Singh. She submits that after completion of investigation, challan has already been presented in Court, hence prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the plea of bail by submitting that the petitioner in connivance with the co-accused had snatched the mobile phone of the complainant. He submits that specific overt act is attributed to the petitioner in threatening the complainant with sword, hence he prays for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it is observed that as per the allegations in the FIR the petitioner alongwith three other co-accused alleged to have snatched the mobile phone of the complainant. The role attributed to the petitioner is that he was on the motorcycle carrying sword, however no injury is attributed to him and even after his arrest on 09.10.2023 no recovery has been effected from him. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 15 witnesses and till date no witness has been examined. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner.



7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

05.11.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |