



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-33942-2024

Date of Decision:-23.07.2024

Raja Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vaibhav Narang, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.126 dated 31.10.2023 under Sections 379-B(2), 411, 34 IPC registered at Police Station Majitha Road, District Police Commissionerate, Amritsar.

2. The present FIR came to be registered at the instance of Ritu wife of Ramsanjeevan and reads as under:-

“ Statement of Ritu wife of Ramsajeevan resident of village Tikran police station Asandran District Barabanki U.P. presently resident of Tenant at Street no. 2, Chand Avenue, Rattan Singh Chowk, Amritsar, aged around 30 years, phone no. 8146942936 made a statement that I am resident of above said address and I do work of domestic help and today I and my son Karan who is around 16 years of age were going to market and my son was carrying his phone brand VIVO Y-35 in his hand and when we both reached little behind of Chungi at Maqbool road then from behind two clean shaven persons on Activa bearing no. PB 02 DP 6216 came they



pushed my son and thrown him at the ground and forcefully snatched away the mobile phone brand VIVO Y-35 held in his hand and then both the above said young persons on their Activa ran away from the spot and when they had gone little ahead their Activa got slipped and they fell down, above said both after getting up tried to run away then we have apprehended them with the help of other people on the road. The person who has snatched the phone of my son Karan, his name was Ravi Singh and Raja Singh. residents of Nangli, Amritsar and then your goodself has came at the spot then both the above said young persons along with Activa bearing no. PB 02 DP 6216 have been handed over to you and due to the push given by above said young persons to my son Karan his leg got injured and feels the pain, the IMEI of my phone is 867681061427851/42, 867681061427844/42 I have made the statement, I am victim, against these young persons strict legal action may be taken. I have heard the statement, it is correct. Applicant, THUMB Ritu above said RTI attested by sd/- Amar Singh ASR Chowki Faizpura, Amritsar 31.10.2023.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact the petitioner and his brother Ravi (since granted bail vide order 30.04.2024 in CRM-M-20487-2024) were travelling on their Activa when it struck the complainant and her son who were both walking in the middle of the road. The Activa slipped and both the petitioner and his brother fell down. On account of an argument between both the sides, the instant FIR had been registered. In fact, the petitioner had clean antecedents and had never been involved in a case prior to the instant one. As he was in custody since 31.10.2023 but none of the 17 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner and his co-accused were apprehended at the spot when their



Activa slipped after the incident of snatching. Therefore, the offence was *prima facie* established. In this situation the petitioner was not entitled to the concession of bail. He however concedes that the petitioner was a first time offender, in custody since 31.10.2023 and that none of the 17 Pws have been examined so far.

5. I have heard the learned counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 31.10.2023 and none of the 17 Pws have been examined so far, therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required, moreso when his co-accused Ravi has been granted bail.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Raja Singh** son of Sh. Manohar Singh is ordered to be released on bail subject his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 23, 2024
Vinay

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