



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

232

CRM-M-38658-2024

Date of decision: August 14th, 2024

Brij Kishore alias Golu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Saurav Kanojia, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 (Section 4873 of the BNSS) in case FIR No.109 dated 23.05.2024 under Sections 379-B and 411 of the IPC registered at Police Station Focal Point, District Ludhiana.

2. Learned counsel for the petitioner submits that as per the allegations in the FIR, some unknown persons came on a motorcycle without any number plate, and snatched the mobile handset of the complainant; the complainant kept making enquiries and later learnt that the petitioner was probably one of the alleged snatchers. Learned counsel submits that firstly there is a delay of two days in the lodging of the FIR in question and secondly the petitioner's false implication in the present case is evident from the fact that he has no criminal antecedents. Learned counsel has still further submitted that the investigation in the present case is complete as challan stands presented, however, since charges have not been framed and as many as ten

witnesses have been cited by the prosecution, the trial would take considerable time to conclude. Hence, further incarceration of the petitioner in the present case would serve no useful purpose.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that there was a delay of two days in the lodging of the FIR and the complainant had stated in the FIR that he had made enquiries at his own level and learnt about the involvement of the petitioner in the occurrence in question. Learned State counsel has also not disputed the stage of the trial and submitted that next date fixed before the Court below is 16.08.2024.

4. On a pointed query, learned State counsel has also not disputed that the petitioner is not involved in any other criminal case.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 23.05.2024. As many as ten witnesses have been cited by the prosecution. The petitioner is also not stated to be involved in any other criminal case. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 14th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No