

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

265

CRM-M-38956-2024 (O&M)
Date of Decision:- 15.10.2024

SUJAL

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Ravisha, Advocate for the petitioner.
Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 14.10.2024 filed in the form of an affidavit of Assistant Commissioner of Police (North), Amritsar City along with custody certificate of the petitioner, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
65	20.04.2024	379-B, 34 IPC; (411 IPC added later on)	Civil Lines, Amritsar

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.



She contends that the petitioner is not named in the FIR but was arrested on 20.04.2024 and since then he is in custody. She submits that challan has already been presented in the Court and as such the petitioner is not required for further investigation in the case. She further submits that the petitioner is not having any criminal antecedents and thus prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report submitted by the State has assailed the arguments advanced by learned counsel for the petitioner and stated that the petitioner along with co-accused had snatched the mobile phone of the complainant on 17.04.2024 and during the course of investigation, the petitioner was arrested on 20.04.2024 and the snatched mobile phone was recovered from his house in pursuance to his disclosure statement. As such, the petitioner does not deserve the concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint to the effect that on 17.04.2024, when the complainant was going to her accommodation three boys came on a black-coloured Activa and snatched her mobile phone. Subsequently, the petitioner was arrested on 20.04.2024 and on the basis of his disclosure statement, the mobile phone was recovered from his residential house. Admittedly, after the completion of investigation, challan has been presented in the Court, wherein the prosecution has cited 14 witnesses, however, none has been examined till date. As per the custody certificate, there is no other criminal case pending against the petitioner. The

criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

15.10.2024
S.Sharma(syr)

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