

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

223

2024:PHHC:001083

CRM-M-44507-2023

Date of decision: January 8th, 2024

Suraj

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sahil Vashishat, Advocate
for the petitioner.

Mr. Jaiteshwar S. Bhandari, Assistant Advocate General,
Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.103 dated 02.06.2023 under Sections 379-B, 379, 411, 34 of the IPC registered at Police Station Moti Nagar, District Ludhiana.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been in custody since 02.06.2023 for allegedly snatching the mobile handset of the complainant while he along with the co-accused were riding a motorcycle. Learned counsel has submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less a case of similar nature; co-accused, who was pillion riding behind him and who had allegedly snatched the mobile handset of the complainant, has since been extended the concession of regular bail vide order dated 02.06.2023 (Annexure P-2). It has further been submitted by the counsel for the petitioner that the investigation in the case in hand is complete, however, charges have not

yet been framed. Hence, the possibility of the trial concluding in the near future is extremely remote.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute that the co-accused, who was pillion riding behind the petitioner and who had actually snatched the mobile handset of the complainant had since been enlarged on bail. He, however, submits that the co-accused was a juvenile and that was one of the reasons why he was extended the concession of regular bail. Learned State counsel, on further instructions from ASI Sahib Kumar, has also not been able to dispute that the investigation in the case in hand is complete as challan stands presented, coupled with the fact that the petitioner is not involved in any other criminal case.

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

5. The petitioner has been in custody for more than seven months having been arrested on 02.06.2023. Charges have not yet been framed and as informed by the learned State counsel, on instructions, as many as nine prosecution witnesses have been cited. Hence, in the facts and circumstances as enumerated hereinabove, the trial would take considerable time to conclude. This Court, therefore, deems it fit to extend the concession of regular bail to the petitioner.

6. 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.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

January 8th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No