

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

260

CRM-M-43647-2024 (O&M)
Date of Decision:- 14.10.2024

RAJU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Saurav Kanojia Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Reply dated 13.10.2024 filed in the form of an affidavit of Assistant Commissioner of Police (East) Ludhiana, 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
77	08.02.2024	148, 149 and 379-B(2) IPC; (411, 413 and 120-B IPC added later on)	Division No.7, Ludhiana

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. He contends that the petitioner was neither named in the FIR nor nominated in the disclosure statement of any other co-accused. He further contends that the petitioner was arrested in this case on 08.02.2024 and the alleged recovery of 10 mobile phones has been planted upon him. He submits that although the petitioner had one more criminal case registered against him, however, he had been acquitted therein. He further submits that after the completion of investigation, challan has been presented in the Court and the prosecution has cited 12 witnesses and none has been examined till date. As such, prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply submitted by the State and on instructions from SI Sukhwinder Singh, Investigating Officer of the case, opposed the grant of bail to the petitioner and stated that 10 mobile phones have been recovered from the possession of the petitioner. He has, however, admitted that challan has been presented in the Court and no witness has been examined till date.

6. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the secret information that the petitioner along with some other persons are members of a gang engaged in snatching of mobile phones for further selling the same at lower price at Delhi. As per the case of prosecution, consequent upon the arrest of the petitioner on 08.02.2024, ten mobile phones were recovered from his possession. However, on a query being put to the Investigating Officer, he submitted that there was no complaint found to have been lodged by anyone

regarding those mobile phones being snatched at any moment. Admittedly, after the completion of investigaiton, challan has been presented in the Court wherein the prosecution has cited 12 witnesses and none has been examined till date. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will 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

14.10.2024
S.Sharma(syr)

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