

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

108+247

CRM-M-51024-2023 (O&M)

Date of Decision:- 25.01.2024

KULWINDER SINGH @ SANTA @ VEERU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ravisha Mahajan, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG Punjab.

SANJIV BERRY, J. (ORAL)

CRM-2847-2024

In view of the averments made in the application, same is allowed. Annexure P-6 is ordered to be taken on record.

Disposed of.

CRM-M-51024-2023

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
157	22.05.2023	379-B and 34 IPC (411 and 283 IPC added later on)	B-Division, Amritsar

2. Brief facts of the case are that FIR has been registered on the complaint of Kuldeep Kaur stating that she was standing outside her house

where three unknown persons came on scooter and snatched her mobile phone and fled away, on the basis of which, the present FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 28.05.2023 and no recovery has been effected from him. He contends that the recovery of alleged mobile phone was effected from co-accused Lakhwinder Singh @ Lucky, who has since been granted the concession of bail by this Court vide order dated 12.09.2023 passed in CRM-M-36080-2023 (Anexure P-2). He submits that the prosecution has cited 13 witnesses and till date only 1 witness has been examined. He further submits that as per Annexure P-6, a compromise has already been effected in other FIR No.147 dated 16.05.2023 registered at Police Station B-Division, Amritsar pertaining to the petitioner. He thus prayed for grant of concession of bail to the petitioner.

4. On the other hand, learned State counsel has contested the bail petition by vehemently arguing that the petitioner is not entitled to bail taking into consideration the nature and gravity of offence. He submits that petitioner is also involved in one more case.

5. Heard learned counsel for the parties and perused the record.

6. After considering the rival contentions and perusing the record, it transpires that as per the allegations levelled in the FIR, the petitioner is stated to be driving Activa scooter with Lakhwinder Singh @ Lucky on the pillion, who allegedly snatched the mobile phone of the complainant. The said mobile phone has since been recovered from Lakhwinder Singh @

Lucky, who has already been enlarged on bail. As stated above, the petitioner is in custody since 28.05.2023 and after the presentation of challan, charges have been framed by learned trial Court and till date only 1 witness out of 13 witnesses cited by the prosecution has been examined. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and 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/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

25.01.2024
S.Sharma(syr)

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