



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

CRM-M-49327-2024

Date of Decision : **09.12.2024**

ARSHDEEP SINGH @ DEEPA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amit Dhawan, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.318, dated 05.12.2023, under Section(s) 379-B of the IPC, registered at Police Station Phillaur, District Jalandhar.

3 The allegation against the present petitioner alongwith other co-accused, in the instant FIR, is of snatching Rs.4000/-, and a mobile phone. At the time of committing the snatching they were armed with a *danda* and *dater*.

3. In asking for the relief (*supra*), learned counsel for the petitioner, submits that the petitioner has suffered incarceration of more than 11 months, as on today.

4. He further submits that though the petitioner is stated to be involved in 16 other case, and out of those, in 12 cases he has already

been granted bail, wherein, in 03 cases he has earned acquittal, and convicted only in one case, in which he has already completed his sentence way back on 22.11.2018.

5. On the other hand, learned State counsel vociferously opposed the asked for relief (*supra*), on the ground that the petitioner is a habitual offender, and he is not mending his way, after getting bail in other cases.

6. She has filed custody certificate *qua* the petitioner, today in court, the same is taken on record, which reflects that the petitioner has suffered incarceration of 11 months and 05 days, as on today, and he is involved in 16 other criminal case of like nature.

7. She further submits, on instructions imparted to her by the police official concerned, that the final report in the FIR (*supra*), has already been filed on dated 26.02.2024, and charges have been on dated 01.07.2024.

8. She fairly admits that out of the total 12 witnesses cited by the prosecution in the final report, none has been examined till date.

9. This Court has considered the rival submissions made by the learned counsel for the parties concerned, and has gone through the entire case file, and is of the considered opinion that the instant petition is amenable for being allowed.

10. The reason for forming the above inference emanates from the factum that:

(i) the petitioner has suffered incarceration of 11 months and 05 days, as on today;

- (ii) out of the total 12 prosecution witness, none has been examined till date;
- (iii) though the petitioner is stated to be involved in 16 other criminal cases, but merely on account of the fact that he is involved in other criminal cases, the gravity of the instant offence has to be taken into account, in the light of days of incarceration, and the stage of the trial;
- (iv) the probative value of all the incriminating evidence as collected by the prosecution agency, is yet to be established by the prosecution by leading cogent evidence before the learned trial court concerned;
- (v) no fruitful purpose would be served by keeping the petitioner behind the bars;
- (vi) trial is not likely to conclude anytime soon.

11. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

12. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

13. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

14. All pending application(s), if any, also stand **disposed** of accordingly.

December 09, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No