

and snatched the said Mobile Phone make OPPO from the complainant. The complainant further stated that he was searching the said snatchers and came to know that the said snatching has been committed by Sawan Birla (present petitioner), Kola and Sabba. The complainant further stated that alongwith the above said persons, one Mithun Kumar also commits snatching of mobile phones with them.

The complainant further stated that he has also come to know that Sawan Birla (present petitioner), Kola and Sabba have also snatched mobile phone on 13.04.2024 from one Molu Kumar near Savidhi Factory at Focal Point, Ludhiana. Accordingly FIR No.79 dated 13.04.2024, u/s 379-B, 34 IPC, P.S. Focal Point, Ludhiana (Annexure P-1) was registered against Sawan Birla (present petitioner), Kola, Sabba and Mithun Kumar.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“6. ROLE OF THE PETITIONER:-

The petitioner alongwith his two co-accused came on motor cycle No. PB-10JF-6685 and snatched the mobile phone from the complainant.

7. EVIDENCE AGAINST THE PETITIONER: -

The snatched mobile phone of the complainant has been recovered from the present petitioner. The + motor cycle used in the crime was also recovered from the petitioner. The complainant also duly identified the petitioner to have committed the said snatching from the complainant. Apart from it, there is Statement u/s 160 Cr.P.C. of person namely Monu Kumar who stated that on that day the present petitioner and his co-accused had also snatched mobile phone make POCO M-6 from him.

Therefore in view of the gravity of the offence, the petitioner is not entitled for the concession of bail. And that from the perusal of police record of P.S. Focal Point, Ludhiana, another FIR No.80 dated 14.04.2024, u/s 304-A IPC, P.S. Focal Point, Ludhiana has also been registered against the present petitioner.

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction

sentencing.

8. Per paragraph 4 of the bail petition, the petitioner has been in custody since 16.04.2024. Per the custody certificate dated 04.11.2024, the petitioner’s total custody in this FIR is 06 months and 16 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.
13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
15. A certified copy of this order would not be needed for furnishing bonds, and any

Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.11.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.