



CRM-M-54068 of 2023 (O&M)

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

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**CRM-M-54068 of 2023 (O&M)
Date of Decision: 07.08.2024**

Augustine

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ankit Kharbanda, Advocate
for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

Manisha Batra, J.(Oral)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0016 dated 18.01.2023 under Sections 379-B, 411 and 34 of the IPC, 1860 (Section 411 IPC added later on), registered at Police Station Sadar Amritsar, District Amritsar.

2. Briefly stated the relevant facts are that the aforementioned FIR was registered on the basis of the statement recorded by the complainant- Vinod Kumar, alleging therein that he was working with E-Kart Flipkart company. On 18.01.2023 at about 7.30 pm, he was going back after doing his duty and boarded a three-wheeler bearing Regd. No.PB02-BP-9921 which was being driven by one Rahul. When they reached at the bye-pass near SG Resort, Verka bye-pass, two youths riding on a Splendor make

motor-cycle reached there and intercepted them. They got stopped the three-

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wheeler and while extending beatings to the driver, snatched his mobile phone make Realme, cash amount of Rs.20,000/- kept in his pocket and then fled away. After registration of the FIR, investigation proceedings were initiated. The petitioner who was in custody in connection with another case suffered disclosure statement admitting his involvement in this case and also disclosed the name of the co-accused. On the basis of the same, he was nominated as such in this case and was formally arrested on 27.01.2023. The mobile phone belonging to the complainant was recovered from his custody. The investigation has since been completed and the case is at the stage of prosecution evidence. The petitioner had moved an application for grant of regular bail before the trial Court which was dismissed vide order dated 25.07.2023.

3. It is relevant to mention here that the petitioner was ordered to be released on interim bail in this case on 31.01.2024.

4. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in the case and he remained in custody w.e.f. 27.01.2023 till 10.05.2024. The trial is likely to take time as out of 14 witnesses, only a few witness have been examined so far. A false recovery has been planted upon him. No useful purpose would be served by detaining him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

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

6. The petitioner along with co-accused is alleged to have snatched the mobile phone and belongings of the complainant and cash

amount of Rs.20,000/- from him on 18.01.2023. He has remained in

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custody for a period of 01 year, 03 months and 12 days. The trial is likely to take time. As per custody certificate, the petitioner had been involved in two criminal cases and now is on bail in both these cases. There is nothing on record to suggest that he misused the concession of interim bail as granted to him. As such, I am of the considered view that the petition deserves to be allowed. Accordingly, interim bail granted to the petitioner vide order dated 31.01.2024 stands confirmed.

07.08.2024

D.Bansal

(MANISHA BATRA)

JUDGE

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No