

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

233

CRM-M-53010-2024
Date of Decision : **October 29, 2024**

GURSEWAK SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. To be precise, in both these petitions, the petitioner crave for indulgence of this Court for them being enlarged on regular bail, in case FIR No.19 dated 21.02.2024, under Sections 379B(2)/34/411 of the IPC, registered at P.S. Sarabha Nagar, District Police Commissionerate Ludhiana.

ALLEGATIONS IN THE FIR

2. The present FIR derives its origin from a statement made by one Rahul Kumar (hereinafter referred to as the ‘complainant’). Succinctly stated, the allegations levelled in the FIR(supra) are that, the petitioner along with his co-accused Nitin Sharma and Gurdeep Singh waylaid the complainant and snatched his mobile and other valuable articles. In order to commit snatching, petitioner gave a blow of iron *daat* on complainant’s left hand.

SUBMISSIONS OF LEARNED COUNSELS FOR THE PETITIONERS

3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

(i) In the initial portion of his statement, which constituted the bedrock for registration of the present FIR, the complainant has levelled allegations against unknown persons, whereas, in the latter portion thereof, he has disclosed the specific identities of the snatchers. Therefore, the version narrated by the complainant is surrounded by clouds of suspicion;

(ii) Recovery of the snatched articles has already been effected;

(iii) Petitioner has suffered incarceration of approx. 08 months;

(v) The Final Report was presented on 20.03.2024, however, charges have not yet been framed. Therefore, when trial is not likely to conclude anytime soon, keeping the petitioners behind the bars would serve no gainful purpose;

SUBMISSIONS OF THE LEARNED STATE COUNSEL

4. Although the learned State counsel has opposed the grant of bail to the petitioner, on the ground that, the snatched articles have been recovered from the petitioner and his co-accused, however, on instructions imparted to him by the official concerned, he does not dispute the fact that charges are yet to be framed in the present case.

5. The learned State counsel has also placed on record the custody certificate of the petitioner, which is taken on record.

REASONS FOR ALLOWING THE INSTANT PETITION

6. This Court has heard the submissions made by the learned counsels for the parties concerned and perused the entire record. Be that as it may, this Court is of the view that the present petition deserves to be allowed.

The reason for forming this inference generates from the factum that:- (i) allegedly stolen articles have been recovered; (ii) as per custody certificate, the petitioner has suffered incarceration of approx. 08 months as on today, however, he is involved in one other case but he is on bail in that case; (iii) trial is not likely to conclude anytime soon, inasmuch as, despite the charges becoming framed on 20.03.2024, therefore, subjecting the petitioners to prolonged incarceration would serve no fruitful purpose; (iv) the other co-accused, namely, Nitin Sharma and Gurdeep Singh have been granted the relief of regular bail by this Court vide order dated 25.7.2024 passed in CRM-M-26967-2024.

7. 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.

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

October 29, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

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