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Neutral Citation No. 2024:PHHC:033841

CRM-M-58360-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-58360-2023 (O&M)

Date of decision: 07.03.2024

Kuldeep Singh @ Lovely

....Petitioner.

Versus

State of Punjab

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Gagandeep Singh Simble, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

CRM-9290-2024

1. Keeping in view the averments made in the application filed under Section 482 Cr.PC, Sections 397 and 411 IPC are ordered to be added in the head note and prayer clause of the main petition.

2. Ordered accordingly.

Main case

1. Custody certificate dated 06.03.2024 filed by learned State counsel in Court today is taken on record.

2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
52	23.08.2023	379-B, 34 IPC, Sections 25 of the Arms Act (397 and 411 IPC added lateron)	Kahnuwan, Police District Batala, District Gurdaspur

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner was originally not named in the FIR but was named by the complainant in his supplementary statement recorded after 09 days of registration of the FIR and there is nothing on record as to how the complainant came to know about the name of the petitioner. He contends that recovery of Rs. 2500/- has been effected from the petitioner and he is in custody since 31.08.2023. He contends that the challan has already been presented in the Court and conclusion of trial will take sufficient long time. As such, he prays for concession of bail to the petitioner.

4. On the other hand, learned State counsel, has submitted that the petitioner and the co-accused have committed snatching from the complainant by showing *toy pistol* and taken away cash amounting to Rs. 1.00 lacs. As such, he does not deserve concession of bail. However, he admitted that recovery of Rs. 2500/- has been effected

from the petitioner and there is no other criminal case registered against him.

5. After considering the rival contentions and perusing the record, it transpires that no doubt the FIR was registered against known persons on 23.08.2023 and the name of the petitioner and the other two persons have cropped up in the supplementary statement given by the complainant on 31.08.2023. There is nothing on record as to how the complainant came to know about the names of these persons, moreover, after being arrested on 31.08.2023, the recovery of only Rs.2500/- has been effected from the petitioner. Admittedly, he is not having any criminal antecedents; challan has already been presented in the Court and conclusion of trial will take sufficient long time, no purpose would be served in detaining the petitioner in custody any longer. In these circumstances, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.
8.

Petition stands allowed.

07.03.2024
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(SANJIV BERRY)
JUDGE

- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No