

2024:PHHC:012264

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105+211

CRM-3868-2024 in/and
CRM-M-59692-2023

Date of Decision : January 30, 2024

AKASH @ LORI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Dilpreet Singh Gandhi, Advocate,
for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab with
ASI Naresh Kumar.

KULDEEP TIWARI. J.(Oral)

CRM-3868-2024

1. The application is allowed as prayed subject to all just exceptions.

CRM-M-59692-2023

2. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No. 47 dated 21.04.2023, under Sections 379-B and 34 of the IPC, registered at Police Station Sujanpur, District Pathankot.

3. The brief allegations as culled out from the FIR reads as

under:-

“4. That the brief and actual facts of the case are that on 21.04.2023, the complainant along with Bachitter Singh Branch Manager on separate vehicles had come in the area of Pathankot for getting the installments of borrower loan. After getting the installments from separate villages, the complainant came to Rachna wife of Kewal resident of village Itti on his motorcycle. At that time, in the house besides Rachna, her son namely Suraj @ Chakka and his friend Akash son of Lal Singh, resident of village Asha Bano were present there and he was known to them earlier because he had come to their house several times to receive the installments where Rachna had given installment of Rs.6000/-. After getting money, he had covered the amount in blue cloth and put it in the black colour kit carried by him in his hand. At that time Suraj@ Chakka and his friend Akash were seeing him while putting the amount in the kit. Rachna served him tea there and he started drinking the tea. In the meantime, Suraj @ Chakka and his friend Akash while talking with each other went out and after drinking the tea, the complainant started his motor cycle and put the kit on his left shoulder and proceeded further. When he reached on the unmetalled road, about 200 meters outer from the village, then Suraj@ Chakka and his friend Akash were already standing on the road and both of them had given him a signal by hand to stop. Then he slowed down his motorcycle and stopped near them. It was about 02:30 PM, Suraj gave him 2- 3 slaps and snatched the bag carried by him on his shoulder. Both the persons through wheat crop fled away from the spot. The said bag was containing Indian currency notes of Rs.35,750/-, one mobile phone make VIVO light black colour and other documents. After sometime Bachitter Singh Branch Manager after getting installments reached towards him at the spot and the told him entire episode. Both of them had been searching of Suraj @ Chakka and his friend Akash son of Lal Singh, resident of village Asha Bano at their own level, but all in vain. On the basis of aforesaid statement of the complainant, the present FIR was registered.”

4. A perusal of the above, reveals that the allegations against the present petitioner is of snatching a bag containing Rs.35,750/-, one mobile phone, and other documents. Another allegation against the petitioner is that he gave slap to the complainant.

5. Learned counsel for the petitioner in order to give strength to the asked for relief, submits that the petitioner was arrested way back on dated 21.04.2023, and the final report has already been filed and the trial is at the initial stage.

6. He further submits that infact the matter has been

compromised with the complainant, and a petition bearing CRM-M-52317-2023, has also been filed for quashing the FIR itself on the basis of compromise, which is pending adjudication before this Court today itself.

7. Learned State counsel has placed on record a custody certificate *qua* the petitioner, which is taken on record, and perusal of the same reveals that petitioner has suffered incarceration of 9 months and 10 days as on today.

8. This Court has heard both the counsel for the parties, and has gone through the entire case file.

9. Considering the fact that the petitioner has suffered incarceration of 9 months and 10 days, and the trial is at the initial stage, and the petitioner is not involved in any other criminal case, this Court deems it appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. 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.

10. 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. Moreover, anything observed here-in-above shall have no effect on the

merits of the trial and is meant for deciding the present petition only.

January 30, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No