

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-61968-2023
Date of Decision:01.02.2024

Gurjinder Singh @ Love ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat
Present : Mr. Kulwinder Singh Dhillon, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the second petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 240 dated 31.08.2022, registered under Sections 379 B (2), 394,473,325,411 and 34 of IPC, Police Station Cantonment, District Amritsar.
2. The FIR in the present case was got registered on the basis of the statement made by Bhupinder Singh. It was alleged that at about 09:00 AM on 31.08.2022, his sister had gone for physiotherapy at Loharka Road on her scooter and while she was returning home two young boys snatched her mobile phone and she fell from the Activa and got injured. After suffering the injuries, she was got admitted at Life Care Hospital, Fatehgarh Choorian Road, Amritsar. After sometime, the complainant came to know that Dharambir Singh @ Komal and Gurjinder Singh @ Love had snatched the mobile phone from his sister and during the process of snatching, their motorcycle had slipped and both the accused had fallen on the road. The passersby had apprehended the accused namely Dharambir Singh @ Komal and Gurjinder Singh @ Love at

the spot. With these broad allegations, the FIR in the present case was got registered against the petitioner and his co-accused.

3. Learned counsel for the petitioner contends that in fact, the petitioner was not apprehended at the spot and after few hours of the occurrence, he was falsely involved on the basis of the suspicion. He further contends that the petitioner was arrested in the present case on 31.08.2022 and no recovery was effected from him. The challan has already been presented against the present petitioner and charge is yet to be framed against him. Thus, the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the mobile phone of the victim has been recovered from the present petitioner and one case of similar nature has been registered against the present petitioner.

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

6. The petitioner was arrested in the present case on 31.08.2022 and is in custody for the last about one year and 05 months. The prosecution has not been able to examine even a single witness till date and further custody of the petitioner will not serve any meaningful purpose. Still further, the petitioner is not in a position to influence the witnesses of the prosecution.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

(N.S.SHEKHAWAT)
JUDGE

01.02.2024
hitesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No