

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-64419-2023

Date of Decision:-08.01.2024

Rahul.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Narender Singh Kamboj, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.53 dated 08.04.2023 under Sections 379B, 341, 34 IPC registered at Police Station Sadar Faridkot, District Faridkot.

2. The present FIR came to be registered at the instance of Baldev Singh who stated that he was an agriculturist. On 02.04.2023 while he was returning back from his farm, then one motor cycle make Platina without number plate came towards him on which three persons were riding. They encircled him (complainant) with their motor cycle. One man after getting off of the motor cycle snatched his mobile phone while another back took out his purse from the front pocket which contained Rs.7500/-. All the three fled away from the spot on their motor cycle. On his inquiry it had been revealed that the persons who had snatched his mobile phone and purse were

Krishan Singh (since granted bail vide order dated 13.09.2023 in CRM-M-33711-2023) and Gora Singh (since granted bail vide order dated 22.09.2023 in CRM-M-46879-2023).

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is an inordinate delay of 09 hours in the registration of the FIR. An amount of Rs.3700/- only has been recovered from the accused. The co-accused of the petitioner, namely, Krishan and Gora Singh had been granted the concession of bail. As the petitioner was in custody since 10.04.2023 and only 02 of the 17 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and, therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that serious allegations have been levelled against the petitioner and his co-accused. The nature of the allegations did not entitle the petitioner to the grant of bail more so when he was an accused in three other cases. He however concedes that two co-accused of the petitioner have been granted the concession of bail, that the petitioner was in custody since 10.04.2023 and only 02 of the 17 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 10.04.2023 and only 02 of the 17 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation his further incarceration is not required, moreso when his co-accused have been granted the concession of bail even though he is an accused in three

other cases.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Rahul** son of Sh. Des Raj is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 08, 2023
Vinay

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