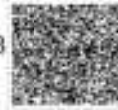


CRM-M-60036-2024

:1:

2024.PHHC.167178



221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60036-2024
Date of Decision:13.12.2024

BHANU PARSAD YADAV @ VICKY @ VANU PARSAD

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Lokesh Vohra, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.163 dated 13.07.2022 registered for the offences punishable under Sections 379-B, 34 of IPC at Police Station City Rajpura, Patiala.

2. As per the allegations recorded in the FIR, on 09.07.2022 at about 4:30 P.M. when complainant Parneet Kaur was coming back after attending coaching classes, on the way two young boys came on a motorcycle and snatched her mobile phone and they they fled away from there. During investigation, the petitioner was arrested on 18.07.2022.

3. Counsel for the petitioner *inter alia* submits that the FIR in



this case was registered against unknown persons and subsequently, the petitioner was falsely nominated as accused in the present case. It is further submitted that formal arrest of the petitioner was made after getting his production warrants from the Court concerned by the police as at that time, the petitioner was lodged in jail in some another criminal case. It is further submitted that the petitioner is incarcerated for the last more than 2 years and 4 months and till date no prosecution witness has been examined and it will take time for the trial to conclude. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

4. Present petition is resisted by the State Counsel, who submits that the petitioner actively participated in the incident of snatching of mobile phone belonging to the complainant and subsequently, he was arrested along with his co-accused and recovery of snatched mobile phone was effected at the instance of the three accused. However, the State counsel has not disputed the fact that petitioner is in custody for the last more than 2 years and 4 months and was not named in the FIR and was later on nominated as accused on the basis of self disclosure statement of the petitioner who at the relevant time was in custody for some another criminal case. Learned State counsel has also not refuted the fact that the trial has not commenced till date.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the FIR in this case was registered against two



unknown persons who came on a motorcycle and snatched mobile phone belonging to the complainant. As per the custody certificate furnished by the State counsel, the petitioner is behind bars for last more than 2 years and 4 months. Admittedly, it will take time for the trial to terminate. In the given circumstances, no fruitful purpose is going to be served by prolonging the judicial custody of the petitioner.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

13.12.2024
Priyanka Thakur

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