

CRM-M-35454-2024

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2025.PHHC.025094



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35454-2024

Date of Decision:20.02.2025

SURAJ SINGH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Divya Gulati, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case having FIR No.122 dated 01.11.2023 registered for the offences punishable under Section 379-B(2) of IPC and Section 25 of Arms Act at Police Station Dhariwal, District Gurdaspur.

2. The allegations in nutshell are that on 01.11.2023 early in the morning, the complainant was coming back to his house after paying obeisance at Gurdwara Sahib. On the way he was intercepted by 5/6 unknown persons, who were travelling in Innova car and one of them pointed pistol towards the complainant while the others were having sharp edged weapons and they snatched VIVO mobile phone having Sim No.9814494785 and another Sim No.8360208772 and then all the said



miscreants fled away from there.

3. Counsel appearing on behalf of petitioner *inter alia* submits that petitioner is falsely implicated in the present case which was registered against unknown persons. Counsel for the petitioner while referring to the order dated 13.12.2023 (Annexure P-2) passed by the Court of Additional Sessions Judge, Gurdaspur submits that in the said order, it has been specifically recorded that during investigation police arrested co-accused Lovejot Singh and got effected recovery of the snatched mobile phone belonging to the complainant from the said co-accused. It is further submitted that the petitioner is later on arrested and certain stolen articles planted on him and the petitioner is in custody for the last 1 year and 3 months and that it will take time for the trial to conclude and in the given circumstance, 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 no doubt the FIR was registered against unknown persons but during investigation, the name of the present petitioner surfaced and resultantly, he was arrested along with certain stolen articles. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 1 year and 3 months and the trial is at its initial stage as till date only one witness is examined out of total 11 witnesses on behalf of the prosecution. The State counsel also apprised the Court that the present petitioner is also involved in number of other cases of similar nature.



5. I have considered the submissions made by the counsel for the parties.
6. It is apparent that the FIR in this case was registered against unknown persons with regard to snatching of one mobile phone belonging to complainant. Subsequently, the petitioner was arrested. From the perusal of the order dated 13.12.2023 (Annexure P-2) passed by the Court of Additional Sessions Judge, Gurdaspur, it appears that the aforesaid snatched mobile phone of the complainant was not recovered from the present petitioner but was recovered from the possession of co-accused Lovejot Singh. The factum with regard to recovery of any other stolen articles from possession of the present petitioner will be tested during trial. The petitioner is in custody for the last more than 1 year and 3 months and it will take time for the trial to terminate. In the given circumstances, further detention of the petitioner in judicial custody is not going to serve any purpose, even if petitioner is involved in some other cases of similar nature.
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.

20.02.2025

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No