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

**CRM-M-40954-2024 (O&M)
Date of decision : 17.01.2025**

Mohammad Rafi @ Machi @ Bassi ...Petitioner(s)

Versus

State of Punjab ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Liaqat Ali, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (*for short, 'the Cr.P.C.'*), for grant of bail pending trial to the petitioner in FIR No.138 dated 16.06.2018, under Sections 379-B & 411 read with Section 34 of the Indian Penal Code, 1860 (*for short, 'the IPC'*), registered at Police Station Tanda, District Hoshiarpur.

2. Allegations are that petitioner along with other co-accused snatched the mobile phone of *de facto* complainant, Rajdev Mehta.

3. Contends that petitioner is in custody since 02.05.2024; charges were framed on 15.11.2018; and out of total 11 prosecution witnesses, only 05 have been examined till date; thus, trial is likely to take sufficient long time.



4. *Per contra*, learned State counsel while opposing the prayer, on instructions, submits that present FIR was registered way back on 16.06.2018 and petitioner evaded the process of law. Consequently, he was declared as a proclaimed offender on 26.05.2022. Also submits that petitioner was apprehended by the Police on 02.05.2024 and he is facing two other cases i.e. FIR No.35 dated 04.03.2019, under Section 61 of the Excise Act, 2014, registered at Police Station Tanda, District Hoshiarpur; and FIR No.267 dated 23.12.2019, under Sections 379-B & 411 read with Section 34 IPC, at Police Station Tanda, District Hoshiarpur.

5. Heard both sides and perused the paper-book.

6. Of course, at one point of time, petitioner was declared as proclaimed offender on 26.05.2022, but now he is in custody since 02.05.2024. The allegations are regarding snatching of mobile phone. Since out of total 11 prosecution witnesses, only 05 have been examined so far; therefore, conclusion of trial may take sufficient long time. It is also not the objection of State that in case, petitioner is released on bail, he shall influence the witnesses or hamper the course of trial, in any manner; thus, further incarceration of the petitioner would not serve any purpose.

7. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.



8. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
9. The above observations may not be construed as an expression of opinion on the merits of the case.
10. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

17.01.2025
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No