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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-56839-2024 (O&M)
Date of Decision:- 05.02.2025

ASHOK KUMAR @ SHOKI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Yaseen Sethi, Advocate for the petitioner.
Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 04.02.2025 filed in the form of an affidavit of Assistant Commissioner of Police, (South), Police Commissionerate Ludhiana is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
147	04.06.2024	379-B(2), 411 and 34 IPC	Sahnewal, District Ludhiana

4. It is, *inter alia*, contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He contends that no article belonging to the complainant has been recovered from the possession of the petitioner and as per the case of prosecution, allegedly one iron *daah* along with Rs.500/- and one motorcycle has been recovered from the petitioner. He submits that no injury whatsoever has been caused in the occurrence, not at the least by the petitioner and he is in custody since 06.06.2024. He submits that challan stands presented in the Court and the petitioner is not required for further investigation. Thus prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report filed by the State has assailed the arguments advanced by learned counsel for the petitioner and submits that the petitioner does not deserve the concession of bail on the ground of gravity of offence. He has, however, admitted that after the completion of investigation, challan has been presented in Court.

6. Heard learned counsel for the parties and perused the record.

7. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the allegation that on 01.06.2024, the complainant was going on foot and the petitioner along with co-accused caught hold of him and snatched ₹3400/-, one Vivo mobile phone and one bag from him by putting him under fear. Thereafter, the petitioner was arrested on 06.06.2024 and recovery of iron *daah*, one motorcycle and ₹500 has been effected from the petitioner. After the completion of investigation, challan stands presented, wherein the

prosecution has cited 10 witnesses, however, none has been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

8. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

05.02.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No