



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

CRM-M-64588-2023

Date of decision : 03.03.2025

Akashdeep Singh @ Chapu

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Esha Goyal, Advocate and
Mr. R.P. Saini, Advocate for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.282 dated 01.10.2023, under Sections 379 & 34 of IPC, registered at Police Station Sadar, District Police Commissionerate Amritsar.
2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Hira Singh. It was alleged that he was working as a delivery boy in Swiggy company. In the intervening night of 30.09.2023/1.10.2023, he was going from Ranjit Avenue to Majitha Road Bypass on his moped. When he reached a little further on the main road outside Khanna Paper mill, then three young boys came on Apache motorcycle, who were carrying *datar*. They waylaid the petitioner and snatched his mobile phone mark Redmi. They also snatched Rs.2200/- from his pocket and ran away from the spot. It was alleged that he could recognize if they are brought before him. Request was made to take legal action against both the culprits. On registration of FIR, the investigation commenced. During investigation, the complicity of the three of the accused was found, out of them one was the petitioner and



hence, he was arrested on 01.10.2023. The petitioner approached the Learned Additional Sessions Judge, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Amritsar vide order dated 05.12.2023. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. She submits that the petitioner is neither named in the FIR nor he is involved in the present case. However, he has been implicated in the present case during investigation on suspicion. It is submitted that rest two of the accused are already on interim bail granted by this Court. To substantiate her arguments, she submits that the complainant has been examined by the trial Court as PW-1 on 01.02.2025 and he has not supported the case of the prosecution as he has denied before the trial Court that the petitioner was the accused who snatched his mobile, he was declared hostile by the trial Court. She submits that the petitioner is behind bars since the date of his arrest and the complainant/victim has already been examined before the trial Court and has not supported the case of the prosecution. She thus, submits that in facts and circumstances of the case the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the FIR was registered on the statement of the complainant and during investigation, recovery of mobile and the weapon was effected from the petitioner. He submits that the petitioner is involved in one more case of the similar nature, however, he is on bail in the said case. He does not

dispute that the complainant has not supported the present case. He submits that out of total 17 prosecution witnesses only 01 witness has been examined i.e. the complainant, so far.

5. After hearing counsel for the parties and perusing the record, it is deciphered from the facts of the case that the petitioner is behind bars since 01.10.2023. Complainant has been examined before the trial Court as PW-1 but he has not supported the case of the prosecution. Two of the co-accused of the petitioner, are already on bail granted by this Court. The material witness i.e. the complainant, has already been examined. Though the petitioner is involved in one more case, however, as per the instructions, he is on bail.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

03.03.2025
ps-I

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