

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4065-2024
Date of Decision:31.01.2024

Sarabjit Singh @ Sabba ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Kulwant Singh, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 175 dated 19.07.2023, registered under Sections 379-B of IPC (Sections 379,411,489 of IPC and Section 28/54/59 of Arms Act added later on), Police Station Maqboolpura, Amritsar, District Amritsar.
2. The FIR in the present case was registered on the basis of the statement made by Ajay Kumar son of Mangaljit Sharma and the same has been reproduced below:-

“Statement of Ajay Kumar, aged 43 years, son of Mangaljit Sharma, resident of Gali Post Office Wali, Patti Gatha Wali Village Vallah, District Amritsar, Mobile No. 9803914110. Stated that I am resident of the above given address and I am doing a private job. Today I along my mother Asha Rani were standing at my grocery shop outside the Chowk of Channa Sarpanch and then suddenly from the post office side of the village a hair cut boy came there riding an unnumbered motorcycle make Passion and

then he snatched away the gold earring from the left ear of my mother and tried to run away from the spot. But as he was about to run away, his motorcycle got out of balance and he fell down. Thereafter, with the help of nearby people he was apprehended. Due to falling down from his motorcycle he has received multiple injuries. On hearing the turmoil many other persons from the vicinity got together at the spot and we have apprehended him and he is also having a toy pistol in his possession. So I have come to the police station for giving information with the request to take the above apprehended person in the police custody and for taking legal action against him. I have heard my statement which is correct. Sd/- Ajay Kumar, aged 43 years, son of Mangaljit Sharma, resident of Gali Post Office Wali, Patti Gatha Wali Village Vallah, District Amritsar.

3. Learned counsel for the petitioner contends that the petitioner was not involved in the alleged incident of snatching and a false case has been planted on him. He further submits that the petitioner was arrested in the present case on 19.07.2023 and no recovery was effected from him. He further contends that the final report under Section 173 of Cr. P.C has already been presented before the competent Court and the prosecution has been able to examine only 06 witnesses out of total 10 witnesses so far. Learned counsel further submits that the petitioner is a young person and not involved in any criminal activity.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and the petitioner does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and perused the

record.

6. The petitioner was arrested in the present case on 19.07.2023 and 06 witnesses out of total ten witnesses have already been examined by the prosecution. Thus, the petitioner may not be in a position to influence the witnesses of the prosecution, at this stage. Since the petitioner has already incarceration for more than six months and no further purpose would be served by keeping the petitioner behind the bars.

7. Without commenting on the merits of the case, the present petitionis allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

31.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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