

Primarily with this backdrop, complainant requested the police officials to catch hold of the snatchers, to initiate appropriate proceedings against them, as also to recover the snatched ear rings. On the basis of the said complaint, criminal case vide FIR No.202 dated 04.11.2023, u/s 379-B of IPC (Section 201 IPC added later on), Police Station Dinanagar, District Gurdaspur, was registered and proceedings were set into motion. During investigation, the present petitioner was arrested on 28.01.2024, on the basis of disclosure statement of the co-accused. Admittedly, nothing was recovered in pursuance of the said disclosure statement.

3. Petitioner moved an application for grant of bail, which was dismissed by the Ld. Additional Sessions Judge, Gurdaspur vide order dated 01.03.2024. Aggrieved of the same, present petition under Section 528 BNSS, has been filed.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. FIR was lodged against unknown persons, even in the complaint, no identification detail of the snatchers, as in, their complexion, body build, height, approximate weight etc. was mentioned. Neither any test identification parade was conducted. In the absence of the any recovery having been effected from petitioner, his identity as one of the snatchers, remains unproved.

The second leg of submission raised by learned counsel for the petitioner is that investigations in the present case are complete as challan has been filed, even charges have been framed. Further, complainant and other two prosecution witnesses have been examined, but even then the completion of trial is likely to take some time. It has been prayed that when seen in the light of the submissions advanced hereinabove further incarceration of the petitioner

would not serve any useful purpose. Learned counsel sums up his submissions by urging that if granted the concession of bail, the petitioner undertakes to abide by all the conditions so imposed by the Court.

5. Learned State counsel has opposed the request for grant of bail on the ground that the manner in which the incident was committed, the fact that petitioner has remained involved in 06 other cases of like nature, no case for grant of bail is made out, for if extended this concession, he (petitioner) is likely to misuse the same by fleeing from the process of justice, by not appearing in the Court as also committing another offence. Dismissal of the petition has been prayed for.

6. Both the counsels have been heard and documents on record have been perused.

7. In view of the submissions advanced by learned counsel for the petitioner and the fact that the petitioner was arrested on 28.01.2024 and has been in custody since then. No recovery has been effected from him during the course of the investigation. Further the fact that complainant has already been examined, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

As regards the submission of learned State counsel that the questionable past antecedents of the petitioner disentitle him (P) to the grant of bail, is concerned, suffice it would be to point out that as per settled law, bail application of the petitioner can solely not be rejected on the ground that he is

involved in another case.

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court.*
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vi) The petitioner shall not in any manner misuse his liberty.*
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (viii) The petitioner will not tamper with the evidence during the trial.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

29.09.2025

Parveen kumar

**(AARADHNA SAWHNEY)
JUDGE**

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