

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-16985-2020 (O&M)

Date of Decision:- 11.10.2021

Karam Chand @ Matti

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.S.Thakur, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Sarabjit Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 131, dated 30.8.2019, Police Station Sadar Nakodar, District Jalandhar, under Sections 379-B, 411, 201, 34 IPC.
2. The FIR in question was lodged at the instance of Diksha Sharma, wherein it is alleged that on 23.8.2019 at about 4/5 PM, when she along with her sister was going on an Activa scooter, on which she was sitting on the pillion seat, two young boys came on motorcycle

and hit against their Aactiva scooter, as a result of which they fell down. The said boys picked up a bag which was being carried by her on the said Aactiva Scooter which contained gold ornaments, cash amount of Rs.2500/-, clothes, mobile phone, Aadhar Card, ATM card, PAN card etc. and fled away from the spot.

3. Learned counsel for the petitioner has submitted he has falsely been implicated in the instant case and is nowhere named in the FIR and has been nominated as an accused on the basis of an alleged disclosure statement made by the petitioner himself while he was in custody in another case. Learned counsel submits that such like disclosure statement would hardly carry any evidentiary value and in these circumstances, the petitioner who has been behind bars for the last about 2 years deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since serious allegations have been levelled against the accused, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 2 years and stands involved in three other cases including 2 cases of identical nature whereas the 3rd case is under NDPS Act. It has also been informed that as on date only 6 out of the cited 15 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. The petitioner admittedly was not identified at the spot and as such is not named in the FIR. It is only on the basis of a disclosure statement made by the petitioner himself while he was in custody in another

case that he came to be nominated in the present case. The petitioner, in any case has been behind bars for a substantial period of about 2 years. The trial is likely to consume more time as only 6 out of the cited 15 PWs have been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.10.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No