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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-4270-2022
Date of Decision: 05.07.2022**

Ranbir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.K. Saini, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.315 dated 30.10.2021, under Sections 379-B of the IPC, registered at Police Station Focal Point, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 30.10.2021. He further submitted that the investigation of the case has been completed and the matter is now fixed for prosecution evidence. He also submitted that the petitioner has been falsely implicated in the present case on the basis of suspicion since he was earlier also involved one another case under Section 379 of the IPC as well as one case under the N.D.P.S. Act. He further submitted that the complainant,

namely, Shinku Devi, who had alleged that some persons had snatched mobile phone from her, is deliberately avoiding to appear before the trial Court for deposing. He has also supplied photocopies of the interlocutory orders passed by the trial Court dated 25.03.2022, 19.04.2022, 10.05.2022 and 31.05.2022 to show that the complainant herself is deliberately not stepping into the witness box and she has been repeatedly summoned through concerned SHO and now it was informed to the learned trial Court that she has left the premises where she was earlier residing and now she has again been summoned through SHO. Learned counsel for the petitioner further submitted that due to the fault of the prosecution and the complainant herself, the trial was being delayed and in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab, has submitted that it is correct that the petitioner is in custody since 30.10.2021 and the investigation of the case has been completed. He further submitted that it is also correct that the complainant has not come forward as of date for deposing. He has however opposed the grant of regular bail on the ground that there was a recovery of one mobile phone and one motorcycle from the petitioner. He also submitted that the petitioner is involved in two more cases out of which one pertains to the N.D.P.S. Act and another pertains to Section 379 of the IPC.

I have heard the learned counsel for the parties.

The petitioner is in custody since 30.10.2021. A perusal of the photocopies of the interlocutory orders which has been supplied by the

learned counsel for the petitioner would show that for about four times, the complainant has been summoned through SHO concerned but she has failed to appear before the learned trial Court for deposing. The investigation of the case has already been completed and the petitioner is in custody for about 8 months. The pendency of the other two cases against the petitioner would, therefore, not become a bar for considering the present bail petition in view of the aforesaid facts and circumstances whereby the complainant herself is causing delay in the trial Court. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

05.07.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |