

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(212)

CRM-M-21660-2022

Date of decision: - 24.05.2022

Sunny Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. VPS Mithewal, Advocate  
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

\*\*\*\*

**VIKAS BAHL, J. (ORAL)**

This is a second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.153 dated 12.09.2021, registered under Sections 379-B and 34 IPC (offence under Section 411 IPC has been added later on), at Police Station Koom Kalan, District Ludhiana.

Learned counsel for the petitioner has submitted that in the present case, the petitioner had earlier approached this Court for grant of regular bail and vide order dated 21.02.2022 in view of the fact pointed out by learned State counsel that in the present case, the complainant had not been examined till that date, petitioner had withdrawn the said petition with liberty to file a fresh petition after the complainant had been examined. It is submitted that subsequent to the said order, the

complainant has been examined as PW-1 and the said complainant has specifically stated in his examination-in-chief that he does not identify the present petitioner, who was present in the trial Court on that day and that the present petitioner never committed the offence of snatching. It is further submitted that the petitioner has been in custody since 13.09.2021 and there are total 12 prosecution witnesses, out of which, only two have been examined, thus, the trial is likely to take time. It is also submitted that the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the mobile phone in question have been recovered from the present petitioner, however, other factual aspects have not been disputed by learned State counsel.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The earlier bail petition of the petitioner was dismissed as withdrawn at that stage, on 21.02.2022, with liberty to file a fresh petition for regular bail after the complainant had been examined and subsequent to the passing of the said order, the complainant has been examined as PW-1 and the said complainant has specifically stated in his examination-in-chief that he does not identify the present petitioner, who was present in the trial Court on the said date and also stated that the petitioner never committed the offence of snatching. Since the said evidence is material and has been recorded after the passing of the earlier order passed by this Court, thus, the said fact entitles the petitioner to file the present second petition for grant of regular bail. The petitioner is stated to have been in

custody since 13.09.2021 and there are total 12 prosecution witnesses, out of which, only two have been examined, thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case.

Keeping in view the above-said facts and circumstances, 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 and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

**May 24, 2022**  
naresh.k

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes  
No