

294+216

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

**CRM-M-23482-2022
Date of Decision: 20.09.2022**

Ronit @ Kakku

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M-19312-2022

Harmandeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashok Kumar Sama, Advocate,
for the petitioner in CRM-M-23482-2022.

Mr. M.S. Dua, Advocate,
for the petitioner in CRM-M-19312-2022.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

Both petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners and are being taken up together for final disposal with the consent of the learned counsels for the petitioners, since both the petitions arise out of the same FIR bearing No.287 dated 30.10.2021, under Sections 379-B, 380 & 411 of the IPC, registered at Police Station Sadar Fazilka, District Fazilka.

The allegations in the present FIR were that the complainant was an employee of the petrol pump and he had alleged that three persons

had come and they had snatched some money and one mobile phone from him. The complainant rather named all the three accused in the FIR and had stated that he knows them.

Learned counsels for both the petitioners have submitted that both the petitioners are in custody since 31.10.2021 and 4 witnesses including the complainant have already been examined. They further submitted that it was a case where the petitioners were falsely implicated and the complainant has specifically stated at the time of trial that he does not identify the culprits and there had been no snatching from him, and therefore, did not support the prosecution and consequently he was declared hostile. They also submitted that both the petitioners are not involved in any other case and once the material witnesses including the complainant have already been examined and the trial of the case may take long time, therefore, they may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab, on instructions from ASI Milkh Raj, has submitted that it is correct that both the petitioners are in custody since 31.10.2021 and 4 witnesses including the complainant have already been examined. He further submitted that it is also correct that both petitioners have clean antecedents and they are not involved in any other case.

I have heard the learned counsel for the parties.

The petitioners have already faced incarceration for more than 10 months. The material witnesses have already been examined including the complainant, who has not supported the prosecution version. The petitioner are stated to be not involved in any other case. Therefore,

considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioners.

Consequently, both the petitions are allowed and both the petitioners are ordered to be released on bail on furnishing bail bonds/surety bonds 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.

20.09.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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