

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRM-M-25399-2022
Decided on : 04.07.2022

Varinder Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Lakhvir Kumar, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 184 dated 09.07.2021 under Sections 379-B and 34 of the Indian Penal Code, 1860 (Section 411 IPC added later on) registered at Police Station Maqboolpura, District Amritsar.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been in custody since 10.07.2021 and the investigation is complete and the challan has already been presented and there are as many as 18 prosecution witnesses, none of whom have been examined and thus, the trial is likely to take time. A reference has been made to the zimni orders dated 04.05.2022 and 21.05.2022 to highlight that in spite of the fact that four prosecution witnesses have been served

yet they have not been appearing before the Court and the trial is being delayed. It is further submitted that the petitioner is not involved in any other case and the earlier bail application of the present petitioner was withdrawn on 01.11.2021 and thereafter, despite of a lapse of 8 months, no witness has been examined till date and thus, the trial is getting delayed on the said account.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that that the petitioner and the co-accused had snatched the mobile phone of the complainant while riding their motorcycle and the mobile phone and the motorcycle have been recovered from them.

Learned counsel for the petitioner, in rebuttal, has submitted that the recovery has already been effected and no purpose would thus be served by keeping the present petitioner in further incarceration.

This Court has heard learned counsel for the parties and has perused the paperbook.

The petitioner has been in custody since 10.07.2021 and the challan has already been presented and there are as many as 18 prosecution witnesses, none of whom have been examined and thus, the trial is likely to take time. The petitioner had filed earlier bail application which was dismissed as withdrawn at that stage vide order dated 01.11.2021 and thereafter, more than 8 months have lapsed and yet the trial has not made any progress. A perusal of the zimni orders

dated 04.05.2022 and 21.05.2022 would show that although, four prosecution witnesses have been served but they have not appeared before the trial Court and thus, the trial is being delayed without any fault of the present petitioner. The said facts constitute a substantial change of circumstances so as to entitle the present petitioner to file the said application for regular bail. The petitioner is stated to be not involved in any other case and the recovery has already been effected.

Keeping in view the abovesaid 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 application.

It is made clear, in case, the petitioner threatens or influences any witness, it would be open to the State to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

July 4th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No