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

CRM-M No.27485 of 2022 (O&M)

Date of decision: 05.07.2022

Roshan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.12 dated 24.02.2016, for offence punishable under Sections 379-B of the Indian Penal Code, 1860 (in short 'IPC') (Sections 379 and 411 IPC added later) registered at Police Station Kathunangal, District Amritsar.

Counsel for the petitioner has argued that the petitioner is in long custody of 02 year and 12 days and the victim/PW-1 Hadyat Masih has not supported the prosecution version.

Counsel for the petitioner has further submitted that as per the statement of PW-1, on 24.02.2016, he along with his maternal grandson namely Banti were coming on a motorcycle and a car came and stopped in front of their motorcycle. The occupants of the car caused injuries to Banti and snatched Rs.2,500/- and mobile phone

from him and fled away from the spot. This witness stated that he do not know, who had committed the snatching as he do not noted the number of the car. When he was asked to identify the accused present in the Court, he refused to identify them by saying that he had seen them for the first time in the Court. This witness was declared hostile but he did not support the case even with regard to his statement made before the police, which is Ex.P-1.

Counsel for the petitioner has also submitted that even the eye-witness i.e. PW-2, Banti has also not supported the prosecution version and he had also not identified any of the accused and he was also declared hostile and even this witness, denied the statement Ex.P-2 as well as the identification memos Ex.P-2 to P-6.

Counsel for the petitioner has further argued that another PW-4 i.e. Gurmail Singh has also not supported the prosecution version by saying that he do not know anything about the case and he was also declared hostile. It is also contended that the petitioner is in custody for the last 02 years, 06 months and 12 days though, he is involved in some other cases but the fact is that neither the victim nor the eye-witness have supported the prosecution version.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in some other cases.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 02 years, 06 months and 12 days; the custodial interrogation of the

petitioner is not required; the victim as well as the eye-witness have not supported the prosecution version and are declared hostile and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.07.2022
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No