

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28815-2022

Date of Decision: 13.7.2022

Sunny

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

KARAMJIT SINGH, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.181 dated 13.9.2021 registered for the offences punishable under Sections 379-B, 34 IPC at Police Station Dasuya, District Hoshiarpur.

Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and is behind bars since 13.9.2021. He further contends that during the trial, prosecution examined complainant-Swarn Kaur and eye witness Rajwinder Kaur and copy of their deposition is Annexure P-2 (collectively). He further submits that both aforesaid material witnesses while appearing in the witness box failed to support the case of the prosecution; that in these circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

On the other hand, State counsel on instructions from ASI Bhupinder Singh admitted the fact regarding the examination of the

aforesaid two material witnesses in the trial Court. However, State counsel submits that she is having no clear instructions as to whether they supported the case of the prosecution or are declared hostile witnesses.

FIR in the present case was registered on the basis of the statement of aforesaid Swarn Kaur wherein she alleged that on 12.9.2021, the present petitioner and one Mani snatched her ear rings and then fled away from there.

Admittedly, the petitioner is in custody since 13.9.2021. During the trial, the complainant/victim Swarn Kaur and eye witness Rajwinder Kaur have been examined. So, there is no apprehension in the present case that if released on bail, the petitioner is going to pressurize the said two material witnesses to depose in his favour.

In view of above, as it will take time for conclusion of trial, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

July 13, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No