

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

234

CRM-M-30484-2022

Date of Decision:-07.12.2022

Dalwinder Singh @ Mangu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vishal Thakur, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

CRM-38274-2022

This is an application for seeking permission of this court to place on record, the statement of complainant and her brother(PW-1 and PW-2).

With no objection from the Learned counsel opposite the present application is allowed and statement of complainant and her brother(PW-1 and PW-2) is taken on record.

Main case.

Prayer is for grant of regular bail to the petitioner in case having FIR No. 60 dated 03.05.2022 registered under Sections 379-B IPC, 1860 at Police Station, Sadar, District Hoshiarpur.

The counsel for the petitioner submits that the petitioner was falsely implicated in the present case and was arrested on 03.05.2022 and during trial both the material witnesses namely PW-1 Vandana Rani and PW-2 Daksh have not supported the case of the prosecution. So, prayer is made that the petitioner be released on regular bail.

The present petition is resisted by the State counsel on instructions

from ASI Sewa Dass submits that the petitioner and his companion snatched mobile phone belonging to complainant Vandana Rani and both are named in the FIR and now the trial is going on.

However, the State counsel has not disputed the fact that the complainant and one Daksh are examined during the trial and they failed to identify the accused persons including the petitioner

I have considered the submissions made by the State counsel. As per the custody certificate furnished by the State counsel. The custody of the petitioner comes out to be more than 07 months and he is having no criminal history.

Admittedly, during the trial and the complaint Vandana Rani and one another witness namely Daksh have not identified the petitioner and other accused persons. It will take considerable time for the trial to conclude so no purpose is going to be served, by keeping the petitioner in custody.

Thus 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 and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

07.12.2022
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(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No