

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38032-2021 (O&M)
Date of Decision:-30.3.2022

Sarabpreet Singh @ Sahil @ Billa	...	Petitioner
Versus		
State of Punjab	...	Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Gagan Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.65 dated 17.3.2020, Police Station City, District Hoshiarpur under Section 379-B of Indian Penal Code.
2. The allegations, in nutshell, are that on 17.3.2020 when the complainant Raj Kumari came out of her house so as to go for a walk, a young clean shaven boy came near her on an Activa Scooter and snatched her earring from her left ear.
3. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that when the complainant stepped into the witness-box as PW-3 during the course of trial, she did not support the case of prosecution and has categorically stated that she does not identify the petitioner to be the person, who had snatched her earring.

4. Opposing the petition, learned State counsel submitted that it is a case where the petitioner has a chequered history and he stands involved in 3 more cases and he had apparently won over the complainant. Learned State counsel has further submitted that complicity of the petitioner is evident from the fact that recovery of earring of the complainant was effected from the petitioner, who had also been identified by the complainant during the course of investigation. Learned State counsel has, however, not disputed the fact that the complainant, while in the witness box, has not supported the case of prosecution. It has been informed that the petitioner has been behind bars since the last more than 1 year and 6 months. It has also been informed that as on date 7 PWs out of the cited 12 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the complainant herself has not supported the case of prosecution when she was examined during the proceedings of trial and the petitioner otherwise has been behind bars for a substantial period of more than 1 year and 6 months and that conclusion of trial is likely to consume time as only 7 PWs out of the cited 12 PWs have been examined so far, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.3.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No