

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

CRM-M No.1571 of 2023
Date of decision: 17th October, 2023

Kishan Singh @ Mistri

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harmanpreet Singh, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.251 dated 15.09.2022 under Sections 379-B(2), 34 IPC (Section 201 IPC added later on) registered at Police Station Jandiala Guru, District Amritsar Rural.

2. Learned counsel for the petitioner inter alia contends that the FIR in question was registered against two unknown persons, who allegedly came on a motorcycle and attacked the wife of the complainant, who was pillion riding behind him. As a result of the attack, the complainant lost control over his motorcycle and fell down on the road; the alleged assailants then fled away from the spot after snatching the purse of the complainant along with his PAN card, Aadhar card of his wife and an amount of ₹ 7000/-. Learned counsel submits that though it

has been alleged in the FIR that the wife of the complainant had been attacked with Datar by the two assailants, however, there was no medico legal report to corroborate the said fact. It has also been submitted that on the face of it, it is a case of false implication inasmuch as neither the petitioner was named in the FIR nor any description or other details given therein qua the alleged assailants. Learned counsel also submits that both the material witnesses i.e. the complainant and his wife have since been examined during trial and 7 prosecution witnesses still remain to be examined. Hence, there was no likelihood of the trial concluding in the near future. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on telephonic instructions from ASI Harjinder Singh, has not disputed that both the material witnesses i.e. the complainant and his wife stand examined before the trial Court. It has also not been disputed that the petitioner is not involved in any other criminal case, much less a case of similar nature. However, learned State counsel, on further instructions, submits that while stepping into the witness box, both the material witnesses had categorically deposed that they had learnt that it was the petitioner along with his accomplice i.e. co-accused who had attacked the complainant and his wife on the fateful day.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 16.09.2022 and there is no likelihood of the trial concluding in the near future as 7 prosecution witnesses still remain to be examined. In addition to this, both the material witnesses i.e. the complainant and his wife already stand examined. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 17, 2023
rps

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