

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2157-2023

Date of decision : 19.01.2023

Arjun

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Vikram Satpal Anand, Advocate
for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab.

VIKAS BAHL, J.(ORAL)

This is the third petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.53 dated 27.02.2022 registered under Sections 379-B, 34 IPC (Section 411 IPC added later on) at Police Station Cantonment, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner has submitted that the first bail petition filed by the petitioner was withdrawn on 25.05.2022 with liberty to file a fresh petition after adding Section 411 IPC and after giving better particulars. It is further submitted that the second bail petition, which was in fact the first petition was dismissed as withdrawn on 04.07.2022 at that stage. It is stated that the present bail petition is in effect the second bail petition as the first bail petition was simply withdrawn with liberty to file a fresh one after giving better particulars. It is further stated that the petitioner has been in custody since 27.02.2022 and there are 13 witnesses, out of

It is submitted that after the withdrawal of the last bail petition on 25.05.2022, the complainant has been examined on 15.10.2022 and the complainant has stated in the examination-in-chief that the accused present in the Court on that day (petitioner herein) was not the same person who had snatched the mobile phone and said complainant has been declared as hostile. It is further submitted that in view of the said statement of the complainant, who is the star witness in the present case, the petitioner deserves the concession of regular bail.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner was specifically named in the FIR, however, other facts have not been disputed.

This Court has heard learned counsel for the parties and has perused the paper book.

Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has been in custody since 27.02.2022 and there are 13 witnesses, out of which, only one has been examined and thus, the trial is likely to take time and also the fact that the complainant, who is the star witness in the present case, has been examined as PW-1 and in his statement has stated that the petitioner was not the person who had snatched the mobile phone, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of

bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

January 19, 2023
Davinder Kumar

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