

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

CRM-M-3583-2023

Date of decision: 24.02.2023

Achal Vinayak @ Lucky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mandeep S. Sachdeva, Advocate
for the petitioner.

Mr. Amit Rana, Sr. D.A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.26 dated 23.02.2022 under Sections 379-B, 304, 411 and 34 of IPC, registered at Police Station Division No.4, Jalandhar, District Jalandhar.

Learned counsel for the petitioner submits that the FIR in question was registered on the allegations that when the deceased along with PW-1, namely, Arpana was going in a rickshaw, two unidentified youth came on a scooter and snatched the purse of the deceased as a result of which, she lost her balance and fell down on the road. Subsequently, she succumbed to the head injury which she had sustained on account of the fall from the rickshaw. Learned counsel has further submitted that the false implication of the petitioner in the FIR in question finds credence from the fact that while stepping into the witness box, PW-1 Aparna who was stated to be accompanying the deceased on the fateful day, did not support the case of the

prosecution, as a result of which, she was declared hostile. In support, learned counsel has drawn the attention of this Court to the deposition of PW-1, Aparna, annexed as Annexure P-4. He submits that the petitioner has now been in custody for almost a year having been arrested on 02.03.2002 and there is no likelihood of trial concluding in the near future as almost 18 prosecution witnesses remain to be examined.

On a pointed query put to the learned counsel as to whether any other criminal case was pending against the petitioner, he has replied in the negative.

Per contra, learned State counsel while opposing the prayer made by the learned counsel opposite submits that no doubt the FIR was registered against unknown persons, however, the purse allegedly snatched by the petitioner from the deceased was recovered from him. However, the learned State counsel was not able to dispute that PW-1 Aparna, who was accompanying the deceased on the Rickshaw at the time of the alleged occurrence, had resiled and declared hostile during the trial. Learned State counsel further submits that the case is now fixed for 09.03.2023 before the trial Court, when some more prosecution witnesses are likely to be heard.

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

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner who has been now in custody since 02.03.2022 as there is no likelihood of the trial concluding in the near future as 18 more prosecution witnesses remain to be examined. The petitioner is not involved in any other criminal case as per instructions received by the learned State counsel.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

24.02.2023

ps-I

(MANJARI NEHRU KAUL)
JUDGE

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