

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

CRM-M No.12192 of 2023
Date of decision: 2nd August, 2023

Rahul Kapoor @ Kanda @ Tota

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Balbir S. Saini, Advocate for the petitioner.

Mr. H.S. Sullar, 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.205 dated 27.06.2022 under Sections 379-B, 34 IPC registered at Police Station Civil Lines, Police Commissionerate Amritsar.

2. Learned counsel for the petitioner inter alia submits that false allegations have been levelled against the petitioner of having snatched the purse of the complainant's wife while the complainant along with his child had gone to pay obeisance at Sri Darbar Sahib, Amritsar. Learned counsel submits that the petitioner has been in custody since 10.08.2022 and there is no likelihood of the trial concluding in the near future as 7 prosecution witnesses still remain to be examined. He further submits that since the material witness i.e. the

complainant has already been examined, further incarceration of the petitioner would serve no useful purpose as there could be no likelihood of he trying to influence the complainant to depose in his favour or even tamper with any other evidence.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not been able to controvert that only 6 prosecution witnesses have been examined till date. He however, submits that the complainant while stepping into the witness box, had duly identified the petitioner as being one of the assailants, who had snatched the purse of his wife containing ₹ 4,000/- along with her Aadhar Card. It is also submitted by the learned State counsel that the petitioner is involved in two other similar cases, however he has not disputed that in both the other criminal cases, which are registered against the petitioner, he has been enlarged on bail.

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

5. The petitioner has now been in custody for close to one year, having been arrested on 10.08.2022. There is no likelihood of the trial concluding in the near future. In addition to this, the sole material witness i.e. the complainant already stands 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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

August 2, 2023
rps

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