

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

220

2023:PHHC:093939

CRM-M-12162-2023

Date of decision: July 25th, 2023

Harwinder Singh @ Harry

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Birinder Singh Khehar, Advocate
for the petitioner.

Mr. Harsimran Singh Sitta, Deputy Advocate General,
Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.127 dated 13.10.2022 lodged under Sections 379-B (ii), 379, 411, 473, 511 read with Section 34 of the Indian Penal Code, 1860 at Police Station Rangar Nangal, District Batala.

Learned counsel for the petitioner, while drawing the attention of this Court to the allegations levelled in the FIR, submits that it was registered against two unknown persons, who allegedly tried to snatch the gold chain of the complainant's wife. Learned counsel submits that after the petitioner was arrested on 13.10.2022, challan was presented on 20.12.2022, charges were framed on 09.02.2023, however, none of the 13 prosecution witnesses had been examined till date as summons issued to the prosecution witnesses had remained unserved. He submits that since the investigation is complete and the trial in the aforementioned

circumstances would take considerable time to conclude, further incarceration of the petitioner would serve no useful purpose.

Learned State counsel has however, opposed the prayer and submissions made by counsel opposite. He submits that no doubt the FIR in question was registered against unknown persons, however, the petitioner was a man of criminal antecedents as he was involved in three other cases of similar nature. It has, however, not been disputed that only an attempt was made to snatch the gold chain of the wife of the complainant. Learned State counsel has also not been able to dispute that the the prosecution witnesses still remain unserved.

The petitioner is in custody since 13.10.2022 and in the facts and circumstances as enumerated hereinabove, the trial is unlikely to conclude in the near future, 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.

Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

July 25th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No