

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-12769-2023

Date of decision : 20.03.2023

Jatinder Pal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Munish Puri, Advocate
for the petitioner.

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

VIKAS BAHL, J.(ORAL)

This is a 3rd petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.256 dated 26.09.2021 registered under Section 395 IPC (120-B, 212 IPC added later on) & 25/27 of the Arms Act at Police Station Division B, District Police Commissionerate Amritsar.

Learned counsel for the petitioner has submitted that the first bail application of the petitioner was dismissed as withdrawn at that stage on 21.02.2022 and the second bail application was withdrawn on 27.05.2022 on account of the fact that certain incorrect averments had been made in the same. It is submitted that the petitioner has been in custody since 09.10.2021 and out of 16 witnesses, only 2 witnesses have been examined and thus, the trial is likely to take time and even after the withdrawal of the above said cases, sufficient time has lapsed but the trial

named in the FIR and in the present case, there are 3 eye witnesses, out of which, 2 eye witnesses i.e., PW1 Davinder Singh (complainant) and PW2 Wazir Singh have been examined on 17.02.2023 and both the said witnesses had stated that petitioner and the other co-accused were not the persons who had looted the cash amount and gold chain from the complainant. It is stated that the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition for grant of regular bail and has submitted that recovery of 100 UK pounds, which as per the case of the complainant had been stolen from him, has been effected from the petitioner.

This Court has heard the 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 09.10.2021 and out of 16 witnesses, only 2 witnesses have been examined and thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case and the two star witnesses i.e., PW1 Davinder Singh (complainant) and PW2 Wazir Singh had specifically stated that it is not the petitioner who had committed the alleged offence, 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

March 20, 2023
Davinder Kumar

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