

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15664 of 2023
Date of decision: 11th April, 2023

Sunil Dutt @ Kaka @ Dholu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gursimran S. Bhatia, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C.
for grant of the concession of bail in case bearing FIR No.97 dated
13.06.2022 under Sections 379-B, 411, 201,34 IPC registered at Police
Station Majitha Road, District Amritsar Rural.

Learned counsel for the petitioner inter alia submits that a
false case has been planted upon the petitioner on the allegations that he
along with co-accused, snatched the purse of the complainant's wife,
which contained a mobile phone and cash amounting to ₹ 5,000/-.
Learned counsel submits that the petitioner was not named in the FIR in
question nor any description of the assailants was given therein, rather
he was nominated as an accused in the instant case while he was in
custody in another case bearing FIR No.99 dated 26.06.2022 under
Sections 379 and 411 IPC pertaining to Police Station Majitha, District

Amritsar. He further submits that the false implication of the petitioner in the case in hand finds further credence from the fact that the recovery of the mobile phone allegedly snatched from the wife of the complainant, was not effected from him. Learned counsel submits that investigation is complete and charges stand framed, however, none of the prosecution witnesses have been examined till date hence, there is no likelihood of the trial concluding in the near future, and in the circumstances, further incarceration of the petitioner would serve no useful purpose.

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 no recovery much less of any mobile phone or even the purse of the wife of complainant, was effected from the petitioner. However, he submits that the petitioner is involved in two other similar cases. Learned State counsel on instructions has further apprised the Court that the next date fixed before the trial Court is 16.05.2023 when prosecution evidence is likely to commence.

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

The petitioner has been in custody since 26.06.2022 and the trial shall take considerable time to conclude as none of the prosecution witnesses have been examined till date. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to allow the

instant petition. 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 contained hereinabove shall not be construed to be an expression of opinion on the merits of the case. Needless to add here that 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

April 11, 2023
rps

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