

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

222

2023:PHHC:094001

CRM-M-18089-2023

Date of decision: July 25th, 2023

Ashish Bhatti @ Abhay

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Arshdeep Kaur, Advocate
for Mr. Sukhjit Singh, 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.21 dated 03.03.2023 lodged under Sections 379-B, 323, 341, 506, 34 of the Indian Penal Code, 1860 at Police Station Division No.1, District Pathankot.

Learned counsel for the petitioner submits that a few days prior to the occurrence in question, there had been a quarrel between the petitioner and the complainant. It was thus in the above background in order to wreak vengeance on the petitioner, the complainant had planted a false case upon him alleging that his gold chain had been snatched away by the petitioner. Learned counsel further submits that the petitioner's false implication in the case in hand finds further credence from the fact that he does not have any criminal antecedents much less being involved in a case of similar nature. It has been further submitted that after the petitioner was arrested on 03.03.2023, challan was presented on

01.05.2023 and charges were framed on 31.05.2023, however, none of the 14 prosecution witnesses cited had been examined till date. Hence, there was no likelihood of the trial concluding in the near future.

Per contra, learned State counsel on instructions, while opposing the prayer and submissions made by counsel opposite, has not disputed the fact that the petitioner is not involved in criminal case much less a case of similar nature. However, he submits that recovery of a part of the gold chain allegedly snatched by the petitioner from the complaint was effected from his conscious possession. It has been further submitted that the next date fixed before the trial Court is 09.08.2023, when the prosecution evidence is likely to commence.

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

In the facts and circumstances as enumerated hereinabove, the trial is unlikely to conclude in the near future. This Court, thus, deems it a fit case to extend the concession of bail. 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