

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27322-2023

Decided on : 03.10.2023

Varinder Singh @ Binda @ Mongli

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.112 dated 19.07.2022 under Section 379-B and 411 IPC registered at Police Station Bullowal District Hoshiarpur.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand for allegedly snatching Rs.12,340/- at gun point from the employee of a petrol pump. Learned counsel submits that the petitioner has been in custody since 10.08.2022 and after the challan was presented on 10.10.2022, charges have also not yet been framed. Learned counsel further submits that the recovery, which was shown to have been effected from the petitioner was that of a toy pistol, which clearly indicated that a fabricated case had been planted upon him. Learned counsel submits that in the aforementioned facts and

circumstances as even charges have not been framed till date, further incarceration of the petitioner would serve no useful purpose as the investigation in the case in hand is complete.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has submitted that the petitioner along with the co-accused came to a petrol pump on their motorcycle and thereafter, at gun point snatched Rs.12,340/- from the complainant. Learned counsel has, however, not disputed that the recovery of the weapon, which was allegedly effected from the petitioner was that of a toy pistol.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has been in custody since 10.08.2022 and there is no likelihood of the trial concluding in the near future as the charges have not been framed. Rather it is evident that the trial has come to a virtual standstill after the challan was presented on 10.10.2022. Hence, this Court deems it fit to extend the concession of bail to the petitioner, who has now been in custody for more than a year after having been arrested on 10.08.2022. Accordingly, the instant petition is allowed. The petitioner is admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

6. 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 add, in case the petitioner is found misusing the concession of bail granted to him by this Court or is found involved in any other criminal

case, the respondent-State would be at liberty to seek cancellation of bail granted to him by this Court.

03.10.2023
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(MANJARI NEHRU KAUL)
JUDGE

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