

CRM-M-31400-2023

226

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

CRM-M-31400-2023

Date of Decision: 29.11.2023

Prince Singh @ Haneri @ Hanery

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.76 dated 28.02.2022, under Section 379-B IPC and Section 201 IPC was added later on, registered at Police Station Maqboolpura, Amritsar, District Amritsar.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 01.09.2022, which is 1 year and 2½ months. He further submitted that the allegations in the present case are pertaining to theft of Rs.1 lac and submitted that his name was nominated on the basis of his own disclosure statement when he was in custody in some other case and in order to falsely implicate him in the present case, his name has been nominated by the police. He also submitted that the complainant in

the present case has already been examined and he has not supported the prosecution version and has specifically stated at the time of his examination-in-chief that the petitioner is not the person, who had snatched the aforesaid amount, Aadhar Card and ATM card from him. He submitted that in view of the aforesaid facts and circumstances and considering the long custody of the petitioner, he may be considered for grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the complainant has been examined and he has not supported the prosecution version and he has not identified the petitioner. He has, however, submitted that the petitioner is involved in five more cases of similar nature and therefore, he does not deserve the concession of regular bail.

4. I have heard the learned counsels for the parties.

5. As per the learned counsel for the parties, the petitioner is in custody from 1 year and 2½ months and the complainant stands examined, who has not supported the prosecution version. The mere fact that the petitioner is involved in five more cases cannot become a ground for denial of bail especially in view of the fact that the FIR was lodged on the basis of the complainant, namely, Satnam Singh, who has so specifically stated that the petitioner is not the person who had snatched Rs.1 lac, Aadhar Card and ATM card from him. Therefore, considering the aforesaid totality of the circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner

is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

29.11.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |