

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34180-2022 (O&M)
Date of Decision:-02.05.2023

MANJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Harkanwarjeet Singh, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

CRM-10762-2023

1. Instant application has been filed filed by the applicant/petitioner under Section 482 Cr.P.C. for incorporating Sections 201, 472, 473 IPC in the head-note as well as in the main petition.
2. Notice of the application.
3. On the asking of the Court, Mr. Harkanwarjeet Singh, AAG, accepts notice on behalf of non-applicant/State of Punjab and pleaded no objection, if the application is allowed.

4. In view of the above, application is allowed as prayed for and Sections 201, 472, 473 IPC are ordered to be read in FIR No.54 dated 8.4.2022 registered under Sections 365, 395 IPC at Police Station Division No.2, District Pathankot (Mamoon Cantt.), Annexure P-1.

Main Case

1. The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.54 dated 8.4.2022 registered under Sections 365, 395 IPC at Police Station Division No.2, District Pathankot (Mamoon Cantt.).
2. The allegations in nut-shell are that the accused persons including the present petitioner lured complainant Harbans Lal and his relative Raman Kumar to reach some secluded place and when they reached there, the accused persons snatched Rs.2.05 lac and one mobile phone from them. During investigation of the present case, the petitioner was arrested.
3. The counsel for the petitioner *inter alia* contends that the FIR was registered against unknown persons and thereafter the petitioner was falsely implicated in the present case and was arrested on 26.4.2022. The counsel further submits that both the material witnesses namely Harbans Lal and Raman Kumar have already been examined as is clear from the report submitted by trial Court dated 17.3.2023. The counsel further submits that it will take considerable time for the trial to conclude and the petitioner is already in custody since last 1 year. The counsel further submits that in all the other criminal cases faced

by the petitioner, he is enlarged on bail. So, prayer is made that the petitioner be granted concession on regular bail.

4. The instant petition is resisted by the State counsel, who submits that there are serious allegations on the record against the petitioner and his accomplices that they snatched Rs.2.05 lac and mobile phone from Harbans Lal and his relative Raman Kumar. However, The State counsel on instructions from ASI Godraj has not disputed that the petitioner is in custody since last 1year and that during investigation, no incriminating substance was recovered from the possession petitioner and that complainant Harbans Lal and another material witness Raman Kumar have already been examined during trial.
5. I have considered the submissions made by counsel for the parties.
6. Admittedly, in the instant case, FIR was registered against the unknown persons and the petitioner was arraigned as an accused at the later stage and thereafter the petitioner was arrested and now he is in custody since the last more than 1 year and during investigation, no objectionable article was recovered from the possession of the petitioner as has been admitted by the State counsel. Further during trial, material witnesses Harbans Lal and Raman Kumar have been examined and to this effect status report filed by the trial Court is available on record. As the material private witnesses have been examined, there is no apprehension that if the petitioner is released on bail, he is going to influence them. As stated by counsel for the petitioner in all the other criminal cases, the petitioner is released on bail. It will take considerable time for the trial to terminate, so no

purpose is going to be served by keeping the accused behind the bars for any longer period.

7. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

02.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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