

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

CRM-M No.38261 of 2023

Date of decision: 19th September, 2023

Amritpal Singh @ Sonu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manoj R. Sharma, Advocate for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.164 dated 18.11.2022 under Sections 379-B, 201 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Ghuman, District Gurdaspur.

2. Learned counsel for the petitioner inter alia submits that a false case has been planted upon the petitioner on account of his involvement in another case under Section 379-B IPC, which was registered prior in time. He submits that admittedly the case in hand was registered against unknown persons and in the absence of any Test Identification Parade (TIP) conducted by the police, there was no evidence on record to connect the petitioner with the crime which took place on 18.11.2022, when he along with co-accused allegedly snatched

the wallet of the complainant. Learned counsel has further submitted that after challan was presented on 17.02.2023, charges were framed thereafter, on 03.05.2023, 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. A prayer has, therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Gurmail Singh, has not been able to dispute that no Test Identification Parade of the petitioner was carried out, however, he submits that the petitioner was armed with an iron rod at the time of alleged occurrence and after stopping the complainant, both he and the co-accused deprived him of his wallet containing ₹ 1300/-.

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

5. In the facts and circumstances as enumerated hereinabove, keeping in view the nature of allegations levelled and the recovery effected, this Court thus deems it fit to extend the concession of bail to the petitioner as there is no possibility of the trial concluding in the near future. 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 observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add here, 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

September 19, 2023
rps

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