

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-40511-2022

Date of decision: 31.08.2023

Vipan Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0065 dated 27.06.2022 under Sections 328/379 of the IPC (Section 411 of the IPC added lateron) registered at Police Station GRP Jalandhar, District Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand for allegedly snatching a mobile phone along with ₹1,800/- from the complainant after allegedly making the complainant drink some mango juice laced with some intoxicant, as a result of which he fell asleep. Learned counsel submits that a perusal of the FIR reveals that there was no description given of the alleged assailants and hence, it was evident that a false case had been planted upon the petitioner. Learned counsel submits that his false implication finds further credence from the fact that he has clean antecedents and is not involved in any other criminal case much less a case of similar nature. Learned counsel has still further submitted that after the challan was presented in August, 2022, the trial had not made much headway as none of the 13 prosecution witnesses

cited, had been examined. He has submitted that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Makhan Lal, has not disputed that the petitioner is not involved in any other criminal case much less a case of similar nature. He, however, has reiterated the allegations levelled against the petitioner in the FIR in question.

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

5. The petitioner is not stated to be involved in any other criminal case and has been in custody since 26.06.2022. The trial will take considerable time to conclude as none of the 13 prosecution witnesses have been examined till date after the charges were framed on 21.01.2023. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

31.08.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No