

CRM-M-42655-2022
Date of Decision:-30.01.2023

PRITAM KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Munish Puri, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

The present petition has been filed by the petitioner seeking grant of regular bail in case FIR No.48 dated 07.08.2022 under Sections 379 B, 411 IPC, Police Station GRP Pathankot, District Govt. Rly Police.

In the present case, the FIR was registered against an unknown person, who snatched mobile phone of the complainant who was travelling in a train and thereafter, the said snatcher jumped from the train. The present petitioner was nominated as accused during the investigation and as per the custody certificate furnished by the State counsel, he is in custody for the last more than 5 months and he is having no other criminal case registered against him.

Learned counsel for the petitioner *inter alia* contends that the petitioner is falsely implicated in the present case by police and was arrested on 07.08.2022 and during trial, the complainant-Girjesh while appearing in

witness box failed to support the prosecution case and a copy of the testimony of the complainant is produced, which is taken on record. He further made prayer that in the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

The present petition is contested by the State counsel. However, the State counsel, on instructions from ASI Narender Kumar, has not disputed the fact that the complainant while appearing in the witness box was declared hostile.

Admittedly, the trial is going on and the petitioner is in custody for the last more than 5 months and the FIR in this case was registered against the unknown person who snatched mobile phone of the complainant, while he was travelling in a train. It appears that the complainant, while appearing in the witness box, resiled from his previous statement and was declared hostile.

It will take considerable time for trial to conclude. Therefore, keeping in view the facts and circumstances mentioned above, no fruitful purpose is going to be served even if the petitioner is kept in judicial custody for an indefinite period. Thus, without commenting on the merits of the case, the present 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 CJM/Duty Magistrate concerned, during the pendency of the trial, subject to the following conditions:-

1. That the petitioner will not directly or indirectly induce, threat or promise to any prosecution witness.
2. Petitioner shall not leave the country without prior permission of the trial Court.

3. Petitioner shall appear in the trial Court on each and every date of hearing.

30.01.2023
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(KARAMJIT SINGH)
JUDGE

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