

2023:PHHC:162264

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

**CRM-M No.41138 of 2023
Date of Decision: 18.12.2023**

Kulwinder Singh @ Jyoti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Argued by:- Mr. Amardeep Singh Gill, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab
for the respondent-State.

MEENAKSHI I. MEHTA, J.

By way of this petition, the petitioner has made 2nd attempt to seek the relief of regular bail in the criminal case arisen out of the FIR bearing No.87 dated 18.06.2021, registered at Police Station Adampur, District Jalandhar Rural, under Section 379-B IPC (wherein the offences under Sections 411 and 201 IPC are stated to have been added later-on).

2. It is worth-while to mention here that the first bail petition bearing **CRM-M No.43052 of 2021**, as filed by the petitioner earlier, had been dismissed by this Court on 07.01.2022 vide the order Annexure P-1.

3. Shorn and short of unnecessary details, the allegations levelled by complainant named Anish Khan in the subject FIR, are that he had been running a juice-stall at Bus Stand Alawalpur. On 29.04.2021, one unknown person came to him and on the pretext of the booking of an order, that

person asked him (complainant) to accompany him and he went along-with the said person. However, when they reached near Kishangarh, the afore-said person snatched his mobile-phone by threatening him with 'Datar' and then, ran away from there. During the investigation of the case, the location of the above-mentioned mobile-phone was tracked and was traced out and the petitioner was apprehended, while using the same (mobile-phone).

4. Reply has already been filed on behalf of the respondent-State by way of the affidavit of Deputy Superintendent of Police, Sub-Division Adampur, District Jalandhar (Rural).

5. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

6. Learned counsel for the petitioner has contended that after the dismissal of the bail petition, filed by the petitioner earlier, vide the order Annexure P-1, the trial in the case has commenced and the complainant has already been examined as the prosecution witness but he has turned hostile while deposing in the Court and moreover, the petitioner is behind the bars since the day of his arrest, i.e 19.06.2021 and he has not been convicted in any other criminal case of the similar nature and in these circumstances, he deserves the relief, as prayed for in the instant petition.

7. Learned State counsel has not disputed the afore-referred factual position but he has opposed the prayer of the petitioner for grant of the relief of regular bail.

8. However, keeping in view the above-discussed undisputed facts and circumstances and also the fact that the trial of the case is likely

to take considerable/sufficient time to conclude and without commenting or expressing any opinion on the merits of the criminal case under reference, the petitioner named Kulwinder Singh @ Jyoti is, hereby, ordered to be released on regular bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. The petition in hand stands allowed accordingly.

18.12.2023
neetu

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No