

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-47058-2022

Date of decision: 09.08.2023

Jaspreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amritpal Singh Sohal, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., 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.267 dated 27.11.2021 under Sections 379B/34/411 of the IPC registered at Police Station Cantonment, Amritsar, District Amritsar.

2. Learned counsel for the petitioner while drawing the attention of this Court to the FIR in question which has been annexed as Annexure P-1, submits that it was registered against unknown persons wherein it was alleged that while the complainant was going on foot, two persons came on a motorcycle and snatched her mobile phone. Learned counsel submits that it is evidently a case of false implication because in the FIR, the number of the motorcycle was not given nor was description of the assailants revealed. Learned counsel submits that now investigation is complete as challan stands presented and still further after the charges were framed on 23.05.2022, none of the 09 prosecution witnesses have been examined till date. Hence, there is no

likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions, has not been able to dispute that neither the registration number of the motorcycle on which the assailants were riding was given in the FIR in question nor any description of the assailants given, however, he submits that during interrogation of the petitioner in another case of similar nature he made a confession before the police that he was involved in the case in hand.

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

5. The petitioner has been in custody since 22.03.2022 and the trial is unlikely to conclude in the near future as none of the prosecution witnesses have been examined till date. 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.

09.08.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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