

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

CRM-M No.50007 of 2022
Date of decision: 31st August, 2023

Parveen Kumar

... Petitioner

Versus

State of UT Chandigarh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anterpreet Singh, Advocate for the petitioner.
Mr. Abhinav Gupta, APP UT Chandigarh
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.73 dated 02.05.2022 under Sections 392, 34 IPC and Section 25/54/59 of the Arms Act, 1959 (Sections 397, 411 IPC added whereas Section 392 IPC and Section 25/54/59 of the Arms Act deleted later on) registered at Police Station Sector 31, Chandigarh.

2. Learned counsel for the petitioner inter alia contends that after the petitioner was arrested on 04.05.2022, the sole material witness i.e. complainant, from whom the petitioner allegedly snatched ₹ 1800/- along with his mobile phone and documents etc., had been examined before the trial Court. He submits that as many as 11 prosecution witnesses still remain to be examined and hence, the trial will take considerable time to conclude. It has still further been submitted that it is,

on the face of it, a case of false implication, as neither was the petitioner named in the FIR in question nor any description of the assailants given therein. He submits that the petitioner came to be nominated as an accused much later, when he was interrogated in case FIR No.84 dated 01.05.2022 registered at Police Station Sector 17, Chandigarh under Sections 473, 411 IPC and Section 25 of the Arms Act, 1959. Learned counsel submits that during interrogation in the above mentioned case, the petitioner allegedly confessed to his involvement in the FIR in question. Learned counsel has argued that the evidentiary value of the confession made before the police is of a weak nature and is hit by the Evidence Act. A prayer has therefore, been made in the above facts and circumstances for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Parwinder Singh, has submitted that no doubt the petitioner was not named in the FIR in question, however, during investigation of FIR No.84 dated 01.05.2022, he confessed to his involvement in the crime in question and the Honda Activa scooter, on which he and the co-accused had fled after committing the crime in question, had been recovered from him. It has been further submitted that the petitioner was also identified by the complainant when a Test Identification Parade was conducted.

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

5. The petitioner has now been in custody for more than 1 year, after having been arrested on 22.08.2022. The trial is unlikely to conclude in the near future as 11 prosecution witnesses still remain to be examined. In addition, the sole material witness, i.e. the complainant, already stands examined by the trial Court, hence, there could be no possibility of the petitioner trying to influence the complainant to depose in his favour. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. 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

August 31, 2023
rps

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