

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

CRM-M No.49276 of 2023
Date of decision: 13th October, 2023

Pawan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravinder Rana, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
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.53 dated 17.02.2023 under Section 379-A and 34 IPC registered at Police Station Arya Nagar, District Rohtak.

2. Learned counsel for the petitioner inter alia submits that his false implication in the case in hand, wherein it had been alleged that he along with the co-accused had snatched purse of the complainant, stood belied from the fact that while stepping into the witness box, the complainant had failed to identify the petitioner as a result of which she was declared hostile. Learned counsel further submits that the petitioner has been in custody since 06.03.2023 and since the sole material witness, i.e. the complainant, has been examined and, as already submitted, declared hostile, further incarceration of the petitioner in the facts and circumstances would serve no useful purpose. A prayer has, therefore, been made 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, has not been able to controvert that the complainant, from whom the petitioner had allegedly snatched her purse, had not identified him during trial, as a result of which she was declared hostile.

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

5. The petitioner has now been in custody since 06.03.2023 and there is no likelihood of the trial concluding in the near future as 13 witnesses out of the 14 cited by the prosecution still remain to be examined. The sole material witness i.e. the complainant already stands examined. 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

October 13, 2023
rps

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