

Vishal and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. S.K. Chaudhary, Advocate for the petitioners.

Mr. Rozer Kumar Aggarwal, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

The present 2nd petition has been filed under Section 439 Cr.PC. seeking regular bail in case FIR No.218 dated 14.12.2022 under Sections 379-B and 34 of IPC, 1860 registered at Police Station Division No.II, District Pathankot, Punjab (Annexure P-1).

Learned counsel for the petitioners submits the present FIR was lodged at the instance of the complainant Pariksat Pathania, who has been examined as PW1 and has not supported the prosecution version. Another eye-witness namely Shiv Kumar, PW2 has also not supported the prosecution version. He further submits that Smt. Tara Devi, grandmother of the complainant, is no more and has expired. He further submits that the petitioners are not involved in any other case and in custody since 14.12.2022.

Mr. Rozer Kumar Aggarwal, AAG, Punjab has filed the status report by way of affidavit of PPS, Deputy Superintendent of Police, Sub Division City, District Pathankot. He has vehemently opposed the prayer made by learned counsel for the petitioners but has not denied that complainant and eye-witness, both have turned hostile and not supported the prosecution version. He has fairly admitted that the petitioners are in custody since

14.12.2022.

Heard.

Keeping in view the fact that the petitioners are in custody since 14.12.2022, the complainant and eye-witness have turned hostile and not supported the prosecution version and Tara Devi, who was robbed, is no more. No useful purpose would be served by keeping the petitioners behind bars for a longer period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioners are directed to be released on regular bail, on their furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

30.10.2023

Parveen kumar

**(GURBIR SINGH)
JUDGE**

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