

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(205)

CRM-M-53967-2022
Date of decision: - 09.02.2023

Inderpreet Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Harinder Singh Aujla, Advocate,
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the second petition under Section 439 Cr.P.C. to grant regular bail to the petitioner in FIR No.222 dated 21.09.2021, registered under Sections 379-B, 323 and 34 IPC (Sections 325 and 411 have been added later on), at Police Station Kotwali Nabha, District Patiala.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 31.05.2022 and the earlier bail application of the petitioner was dismissed as withdrawn at that stage on 26.07.2022. It is further submitted that out of total 21 prosecution witnesses, only 8 witnesses have been examined, thus, the trial is likely to take time and that even after withdrawal of the earlier bail application,

sufficient time has elapsed. It is further submitted that the petitioner was not named in the FIR, which was registered on 21.09.2021 and was named only subsequently, in the supplementary statement of the complainant dated 03.05.2022. It is also submitted that no recovery has been effected from the petitioner and he is not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner has been named in the disclosure statement of co-accused Gobinder Singh and that the petitioner, along with other co-accused, had snatched the mobile phone of complainant Rajni and when the said complainant had chased the petitioner and other co-accused, then she had fallen down and had also suffered injuries. It is further submitted that the mobile phone had been recovered from co-accused Gobinder Singh. The other facts, however, have not been disputed by learned State counsel.

Keeping in view the above-said facts and circumstances, more so, the fact that the petitioner has been in custody since 31.05.2022 and there are total 21 prosecution witnesses, out of which, only 8 witnesses have been examined, thus, the trial is likely to take time and also the fact that no recovery has been effected from the present petitioner and the petitioner is not involved in any other case and that the petitioner was not named in the FIR, which was registered on 21.09.2021 and was named only subsequently, in the supplementary statement of the complainant recorded on 03.05.2022, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty

Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

February 09, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No