

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

213

CRM-M-54030-2022

Date of Decision: 09.03.2023

Makhan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Saurav Bhatia, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Harbhajan Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.204 dated 23.12.2019 at Police Station Garhshankar, District Hoshiarpur, under Section 379-B IPC (Section 411 IPC added later on).
2. The allegations, in nutshell, are that the petitioner had snatched gold chain and gold earrings of the complainant-Firdoshi Sheikh.
3. When this matter came up for hearing on 30.01.2023, this Court passed the following order:

“In the present case the complainant as well as PW namely Firdosh and Mamoni are still to be examined. The said witnesses have not caused appearance before the trial Court and vide order dated 06.12.2022, the prosecution was directed to furnish correct address. The prosecution is directed to do the needful in this regard.

Learned counsel representing the petitioner has submitted that he has no objection in case the statements of the aforesaid two witnesses are recorded through video conference, in case their physical presence cannot be secured.

The prosecution to examine the matter particularly with regard to the offer made by learned counsel for the petitioner regarding recording statements of PWs through video conference and to take necessary steps accordingly. The trial Court to also do the needful.

List on 06.3.2023.”

4. Today, learned State counsel has informed that the prosecution has been able to contact PWs Firdoshi (complainant) and Mamoni, who are residing in West Bengal and that efforts shall be made to get them examined through video conferencing on the next date of hearing before the trial Court. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years & 5 months. It has also been informed that the petitioner stands involved in 6 other cases. It has further been informed that as on date none out of cited 15 PWs has been examined.
5. This Court has considered rival submissions.
6. The complainant – Firdoshi and the eye-witness Mamoni are stated to be residing in West Bengal. Under these circumstances, it cannot be said that the petitioner would be in a position to influence or intimidate them. The petitioner has been behind bars for a substantial period of more than 2 years & 5 months. Conclusion of trial is likely to consume time, as none out of cited 15 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is

ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

09.03.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

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