

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

213

CRM-M-56031-2023 (O&M)

Date of decision: 14.11.2023

OM DUTT

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Lakshay Bector, Advocate
for the petitioner.

KULDEEP TIWARI. J.(Oral)

Through this petition, filed under Section 439 Cr.P.C., relief of regular bail has been sought in case FIR No.77 dated 29.07.2023, under Sections 379-B of IPC, registered at Police Station, Division No.1, District Ludhiana.

2. One complainant, namely, Sunil Kumar set the criminal agency into motion, making allegations therein that on 29.07.2023, when he came back after buying liquor to pick his car, two boys without turbans, caught hold of him and after giving him beatings, snatched his mobile phone and key of the car and then pushed him out of the car and fled away along with car and mobile phone.

3. A perusal of the record shows that the investigating agency arrested two persons, including the present petitioner in the instant FIR and during investigation that car and mobile phone was recovered. Now, the investigation is complete and challan has been filed. Even, during trial, the complainant, Sunil Kumar turned hostile and did not support the prosecution version.

3. Mr. Karunesh Kaushal, AAG, Punjab, who is appearing on an

advance notice has placed on record the custody certificate issued by the Superintendent of Central Jail Ludhiana, which is taken on record. The custody certificate reveals that the petitioner is behind the bars since 31.07.2023, and he is involved in one more case, in which he stands acquitted.

4. Considering the antecedents of the petitioner as well as the fact that the main witness did not support the case of the prosecution, this Court, without commenting on the merits of the case, deem it appropriate to grant regular bail to the petitioner. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

5. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

14.11.2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No