

Neutral Citation No.2023:PHHC:148826
IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-56516 of 2023 (O&M)

Date of decision : 22.11.2023

...

Bhawish Pal

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raghav Soni, Advocate for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General,
Punjab, for the respondent/State

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MANJARI NEHRU KAUL, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C., seeking grant of regular bail in case FIR No.0232 dated 29.12.2022 under Section 379 B IPC 1860 (Section 411 IPC 1860 added later on vide G.D. No. 034 dated 29.12.2022 and subsequently deleted vide G.D. No. 31 dated 22.2.2023), registered at Police Station Ranjit Avenue, District Amritsar.

2. Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the instant case is evident from the fact that while stepping into the witness box as PW-1, the complainant failed to identify the accused i.e. the petitioner and thus did not support the case of the prosecution, as a result of which he was declared hostile. Learned counsel submits that since the sole

material witness i.e. PW-1 – complainant, has been examined and also turned hostile, further incarceration of the petitioner, who has now been in custody for almost a year, having been arrested on 29.12.2022, would serve no useful purpose.

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 the submissions made by the counsel opposite qua the sole material witness, the complainant having been examined and having turned hostile during trial.

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

5. Admittedly, the sole material witness in the case has already been examined and has failed to identify the petitioner. The petitioner has now been in custody since 29.12.2022 and there is no likelihood of trial concluding in the near future as 11 prosecution witnesses still remain to be examined.

6. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition 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.

(MANJARI NEHRU KAUL)
JUDGE

22.11.2023
chugh

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No