

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

**CRM-M-61035-2022(O&M)**

**Date of Decision:-22.03.2023**

**Jimmi Arora @ Jacky.**

.....Petitioner.

Vs.

**State of Punjab.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Ruhani Chadha, Advocate for the Petitioner.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

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**JASJIT SINGH BEDI, J.(ORAL)**

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.381 dated 30.12.2020 under Sections under Section 379-B (later on deleted), 307 IPC and Section 302, 182 IPC (added later on) registered at Police Station Phillaur, District Jalandhar.

2. The brief facts of the case are that on 30.12.2020 an FIR No.381 dated 30.12.2020 under Section 379-B, 307 IPC, (later on Section 379-B IPC deleted and Section 302, 182 IPC added) P.S. Phillaur, District Jalandhar came to be registered on the basis of the statement of complainant Jimmi Arora @ Jacky (petitioner) wherein he stated that they were two brothers, the younger one being Lucky Arora.. On the night of 24.12.2020 after closing their shop while they were going on their Activa scooter which was being driven by Lucky Arora, two young persons on foot signalled them that something had fallen. On stopping the Activa the unknown persons inflicted injuries on Lucky Arora, his brother and snatched Rs.15,000/-.

During the course of investigation the petitioner who was the complainant came to be arrested.

3. The Counsel for the petitioner contends that Sunil Kumar before whom the petitioner and his father Ashok Kumar had made an extra judicial confession regarding the petitioner having committed the offence in

question has turned hostile. Similarly Ashok Kumar, the father of the petitioner and the deceased has also turned hostile. Their depositions are on record as Annexure P-3 and P-4. Since the material witnesses have not supported the prosecution case and only 04 of the 21 prosecutions witnesses have been examined till date, the further incarceration of the petitioner was not required more so when he was a first time offender and in custody since 18.01.2021.

4. The Counsel for the State on the other hand has not dispute the factual assertions made by the counsel for the petitioner. He however, states that the nature of the allegations did not entitle the petitioner to the grant of bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the two main prosecution witnesses have not supported the prosecution case and have turned hostile. Only 04 out of 21 prosecution witnesses have been examined so far and the Trial of the present case is not likely to be concluded any time soon. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Jimmi Arora @ Jacky** son of Sh. Ashok Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

March 22, 2023  
Vinay

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |