215

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

****

CRM-M-137-2023
Date of Decision: 11.01.2023

Komalpreet Singh @ Komal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Naveen Sharma, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

****

JASGURPREET SINGH PURI, J. (ORAL)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.31 dated 20.05.2022, under Section 379-B IPC (Sections 411/201 IPC added later on), registered at Police Station City Raikot, District Ludhiana (Rural).

Learned counsel for the petitioner has submitted that the petitioner is in custody for about 7 months and the investigation of the case has already been completed and thereafter, even the trial has commenced. He further submitted that the subject matter of the case is pertaining to theft of Rs.95,000/- which allegedly the petitioner had snatched from the complainant, namely, Jatinder Kaur. He also submitted that the petitioner

BHUMIKA BHATI
2023.01.12 16:45
I attest to the accuracy and
integrity of this document

has got clean antecedents and is not involved in any other case and now even the complainant has also been examined wherein she did not support the prosecution version and has turned hostile. He further submitted that it has been specifically stated by the complainant while deposing that the petitioner is not the same person, who had snatched her purse, and therefore, has prayed that the petitioner may be considered for the grant of regular bail.

On the other hand, Ms. Akshita Chauhan, learned Deputy Advocate General, Punjab, has submitted that it is correct that the petitioner is in custody for about 7 months and after the completion of investigation of the case, now the trial has commenced in which the complainant, who had lodged the FIR on the ground that the petitioner had snatched her purse containing currency notes of Rs.95,000/-, has been examined and she has not supported the prosecution version and has turned hostile. He further submitted that it is also correct that the petitioner is not involved in any other case and he is not a habitual offender.

I have heard the learned counsel for the parties.

The petitioner is in custody from last 7 months and the material witness, who is the complainant, has now been examined, who did not support the prosecution version. The petitioner is stated to be not a habitual offender and is not involved in any other case. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case,

BHUMIKA BHATI
2023.01.12 16:45
I attest to the accuracy and
integrity of this document

this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

11.01.2023 **(JASGURPREET SINGH PURI)**
Bhumika **JUDGE**

1. Whether speaking/reasoned: Yes
2. Whether reportable: Yes/No

BHUMIKA BHATI
2023.01.12 16:45
I attest to the accuracy and
integrity of this document