

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-4234-2024
Date of Decision.:03.05.2024

Kulwant Singh @ Dimpa
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gaurav Partap Singh Pathania, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.0090 dated 26.08.2023 registered under Section 379-B of the IPC registered at Police Station Sadar Pathankot, District Pathankot.

2. Learned counsel for the petitioner contends that later on Section 411 of the IPC was also added. At the oral request made by learned counsel for the petitioner, which is not objected to by learned State counsel, Section 411 of the IPC is directed to be inserted in the headnote as well as prayer clause of the petition. Registry is directed to carry out the necessary correction.

3. As per the allegations, on 26.08.2023, petitioner had snatched the gold earring from the left ear of complainant Jyoti Devi and fled away. He was tried to be chased by the husband of the complainant but in vain.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that he is not named in the FIR; that during trial

neither the complainant Jyoti Devi nor her husband have supported the prosecution case. Learned counsel has placed on record copies of the statements of Jyoti as well as her husband Roshan made during trial.

5. Learned State counsel has opposed the bail petition by pointing out towards the nature of the crime and the criminal antecedents of the petitioner as he is involved in 03 more cases.

6. Heard.

7. Perusal of the statement of PW-1 Jyoti and that of PW-2 Roshan Lal made during trial of the case would reveal that though both of them proved the incident but failed to establish the identity of the petitioner, as the snatcher. They clearly stated that they had seen the accused present in the Court but he was not the snatcher. The custody certificate placed on record would reveal that petitioner is in custody for the last 08 months and 07 days, though involved in 03 other cases.

8. Having regard to the statements made by the complainant and her husband during trial and that further trial may take time to conclude, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

May 03, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No