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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4821-2024
Date of decision: 26.04.2024

Sahil Singh @ Chandan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rakesh Sobti, Advocate for the petitioner.

Mr. Kuljit Singh, Addl. A.G. Punjab.

KARAMJIT SINGH, J. (ORAL)

1. Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.206 dated 04.10.2023 registered for the offences punishable under Sections 379-B(2) and 34 of IPC at Police Station Ranjit Avenue, Amritsar, District Police Commissionerate, Amritsar.
2. The allegations in nutshell are that complainant Akash made statement before the police officials to the effect that on 30.09.2023, four persons came on motorcycle in front of him and caused injuries to him and snatched his mobile phone and then fled away from there on the same motorcycle. During investigation the present petitioner was arrested in the present case.
3. Counsel for the petitioner submits that petitioner is falsely implicated in the present case and is behind the bars for last 6 months and 8 days and that during trial complainant failed to support the case of prosecution. He produced the copy of deposition of complainant which is taken on record. Counsel for the petitioner further submits that in the given circumstances, no purpose is going to

be served by prolonging judicial custody of the petitioner for any longer period.

4. Present petition is resisted by the State counsel, who submits that petitioner is facing serious allegations, as he was involved in snatching of mobile phone of the complainant after causing injuries to him at the time of occurrence. The State counsel on instructions from ASI Surjit Singh has not disputed the fact that during trial, complainant Akash has not supported the case of prosecution.

5. I have considered the submissions made by the counsel for the parties.

6. It appears that FIR in this case was registered against unknown persons who caused injuries and snatched mobile phone from complainant-Akash. From the perusal of the copy of deposition of PW1 complainant Akash, it appears that he was declared hostile as he failed to identify the accused persons in the Court. Thus it is apparent that complainant has failed to support the case of prosecution during trial. So, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.04.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**