

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

245

2024:PHHC:020460
CRM-M-6616-2024
Date of decision: February 13, 2024

KARAN VEER SINGH
...Petitioner

Versus

STATE OF PUNJAB
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Karan Kaushal, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.157 dated 10.10.2019 under Section 379B of the Indian Penal Code, 1860, registered at Police Station Division-4, District Patiala.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 21.02.2023; despite charges being framed on 10.09.2021, none of the prosecution witnesses had been examined till date and hence, it is evident that the trial is unlikely to conclude in the near future. It has been further submitted that a false and fabricated case had been planted upon him; the FIR was registered against two unknown persons, who allegedly snatched a handbag containing Apple iPhone 6 SIM No.98885-20010, a gold ring, RC of Aactiva Number PB-11-BS-8676, driving license, an ATM card of SBI Bank and Rs.10,000/- belonging to the complainant; the petitioner was nominated as an accused pursuant to a disclosure statement allegedly suffered by co-accused Akashdeep coupled with the fact that he was not even nabbed at

the spot. Learned counsel submits that even after his arrest, no recovery, much less of the looted amount, was effected from the petitioner. It has been submitted that all the afore-stated circumstances, coupled with a delay of 6 days in reporting the occurrence to the police, casts a serious doubt upon the credibility of the allegations levelled in the FIR and also, the alleged disclosure statement made by co-accused Akashdeep.

3. Learned counsel has further submitted that on account of the non-appearance of the petitioner before the learned trial Court on one date of hearing, he was declared a proclaimed person; the petitioner had inadvertently noted a wrong date, which was the reason behind his absence before the learned trial Court. Learned counsel has submitted that the petitioner was thereafter arrested on 21.02.2023 and ever since then, the trial had not even proceeded, for which the petitioner could not be made to suffer incarceration.

4. Learned State counsel has filed the custody certificate of the petitioner in the Court today, which is taken on record subject to just exceptions. A copy thereof has been supplied to the counsel opposite. While opposing the prayer and submissions made by the learned counsel for the petitioner, learned State counsel, on instructions, has not been able to dispute that the FIR in question was registered against unknown persons and the name of the petitioner surfaced only in the disclosure statement suffered by the co-accused. On instructions, learned State Counsel has brought to the notice of this Court that the petitioner has previously been involved in other criminal cases, though he had already served out his sentence in both the cases. It has, however, not been disputed by the learned State counsel that after the challan was presented on 28.01.2020, charges were framed on 10.09.2021 and the trial had

come to a virtual standstill thereafter, including after the petitioner surrendering and being arrested on 21.02.2023.

5. On a pointed query put to the learned State counsel, he, on instructions, has informed the Court that next date fixed before the learned trial Court is 26.07.2024, when the prosecution evidence is likely to commence.

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

7. In the facts and circumstances as enumerated hereinabove, there is no likelihood of the trial concluding in the near future as none of the 8 cited witnesses have been examined by the prosecution and as conceded by the learned State counsel, as on date, the petitioner is not facing trial in any other case. This Court, therefore, deems it fit to extend the concession of regular bail to the petitioner. The petition as such is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

8. 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.

9. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

February 13, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No