

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.11913 of 2024
Date of decision: 12th March, 2024

Avtar Singh @ Ghugh @ Amarjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.73 dated 31.07.2022 under Sections 379-B of the IPC registered at Police Station Qadian, District Batala.

2. Learned counsel for the petitioner inter alia contends that the occurrence in question took place on 28.07.2022. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, it has been submitted that the same was registered against one unknown person, who snatched ₹50,000/- from the shirt of the complainant while he was riding his motorcycle. Learned counsel submits that it was much later, on 01.02.2023 the petitioner was arrested and that too on the basis of some information allegedly gathered by the police during the investigation of one case FIR No.310 dated 31.10.2022,

wherein the petitioner allegedly confessed to his involvement in the instant crime. Learned counsel submits that the evidentiary value of such confession made before the police is of a weak nature; all the material witnesses including the complainant stand examined, however, five prosecution witnesses still remain to be examined and hence, further incarceration of the petitioner would serve no useful purpose as trial would still take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Jaspal Singh, has submitted that no doubt the petitioner was not named in the FIR in question, however, the petitioner who is a habitual offender, was arrested in FIR No.310 dated 31.10.2022; he spilled beans with respect to his involvement in the occurrence, which took place on 31.07.2022 and it is thereafter, the petitioner was nominated as an accused in the instant case. Learned State counsel, on further instructions, has however, not disputed that all the material witnesses including the complainant have been examined and the next date of hearing fixed before the trial Court is 14.05.2024 when some more prosecution witnesses have to be examined.

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

5. Since all the material witnesses stand examined, there cannot be any apprehension of the petitioner intimidating/influencing the

witnesses or even try to tamper with any evidence. The petitioner has now been in custody for more than two years, having been arrested on 01.02.2023 and there is no likelihood of the trial concluding in the near future. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

March 12, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No