

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

239

CRM-M-11997-2024

Date of decision: 13.03.2024

Thomas

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Karanjeet Singh Brar, Advocate  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.s

\*\*\*\*

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.122 dated 22.07.2023 under Sections 379B(2) of the IPC registered at Police Station Majitha, Amritsar, District Amritsar.

2. Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the instant case finds due credence from the fact that while stepping into the witness box, the complainant failed to identify the petitioner as a result of which he was declared hostile. In support, learned counsel has placed on record a photocopy of the deposition of the complainant. Learned counsel submits that in the circumstances moreso since it is a matter of record that the FIR in question was also registered against unknown persons who allegedly waylaid the complainant and snatched an amount of Rs.20,000/-, his further incarceration would serve no useful purpose as some prosecution witnesses remain to be examined.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the complainant has been declared hostile during trial. It has also not been disputed that the complainant is the sole material witness in the instant case.

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

5. The petitioner has been in custody since 31.07.2023. Allegedly Rs.20,000/- was snatched from the complainant by three unknown persons while he was going on a motorcycle. Since the complainant, who is the sole material witness in the case in hand, has been declared hostile, further incarceration of the petitioner would serve no useful purpose. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

13.03.2024

Vinay

(MANJARI NEHRU KAUL)  
JUDGE

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