

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

228

2024:PHHC:054142

CRM-M-18289-2024

Date of decision: April 22, 2024

SHUBHAM MANCHANDA @ SAIM @ PITKI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab
with ASI Jaswinder Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.138 dated 25.11.2022 (Annexure P-1) under Sections 379-B, 34 of the Indian Penal Code, 1860 (and Section 411 IPC added later on), registered at Police Station Shimlapuri, District Ludhiana.

2. On a pointed query put to the learned counsel for the petitioner as to what was the material change in the circumstances after the dismissal of the previous petition on 16.11.2023, wherein a similar prayer had been made, he has submitted that the complainant, while stepping into the witness box, had not identified the complainant as being the person who had waylaid him on the fateful day and snatched his belongings.

3. Learned counsel for the petitioner, in support, has drawn the attention of this Court to Annexure P-4, which is the deposition of the complainant and wherein it indeed stands reflected that the complainant had not identified the petitioner, as a result of which, he had been declared hostile.

Learned counsel submits that in the circumstances, further incarceration of the

petitioner would serve no useful purpose as there could be no apprehension of the petitioner influencing or intimidating the witnesses.

4. *Per contra*, while opposing the prayer and submissions made by learned counsel for the petitioner, learned State counsel, on instructions, has not been able to dispute that the complainant was declared hostile during trial. It has also not been disputed that other than the complainant, there was no material witness, who remained to be examined.

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

6. Admittedly, the sole material witness in the case in hand i.e. the complainant did not support the case of the prosecution and was declared hostile. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as 8 prosecution witnesses still remain to be examined, therefore, this Court deems it fit to extend the concession of regular bail to the petitioner.

7. The petition as such is allowed, and the petitioner be 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.

8. 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.

April 22, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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