

CRM-M-19410-2024

2024:PHHC:058431

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

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CRM-M-19410-2024

Date of decision: 29.4.2024

JATINDER KUMAR @ PATWARI

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**Present:- Mr. Manjinder Singh Saini, Advocate
for the petitioner.****Mr. Amit Rana, Sr. D.A.G., Punjab.**

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C in case FIR No.22 dated 28.3.2019 under Sections 379-B, 392, 397, 323, 34 IPC & Sections 25, 54 and 59 of Arms Act at Police Station Chabbewal, District Hoshiarpur.

2. Learned counsel for the petitioner, on a pointed query put to him, as to what was the material change in circumstances which would warrant entertaining the instant petition after the previous one was withdrawn by the petitioner on 8.12.2023, has submitted that all the co-accused have been acquitted by the trial Court; furthermore the complainant has also expired. In the case in hand, since the case of the prosecution rests solely on the testimony of the complainant, there can be no apprehension of the petitioner tampering with any evidence or trying to influence or intimidate the

witnesses. It has been submitted that no doubt the petitioner was declared a proclaimed offender after the registration of the FIR in question, however, he is in custody since 2.7.2023. On a pointed query as to what was the stage of trial, it has been submitted that investigation in the case in hand is complete qua the petitioner as challan stands presented and it is awaiting committal of the Court of Sessions.

3. Learned State counsel while opposing the prayer of the counsel for the petitioner has not disputed that all the co-accused have been acquitted in the case in hand. However, learned State counsel has submitted that the petitioner has criminal antecedents as he was involved in three other criminal cases of identical nature. Learned State counsel on instructions conceded that the complainant was the sole material witness in the instant case who has since expired. Learned State counsel, at the same time, has submitted that the petitioner had absconded during the pendency of the FIR in question and had been declared a proclaimed offender.

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

5. The entire case of the petitioner hinges on the statement made by the complainant. It is a matter of record that the complainant has expired. In the facts and circumstances, since this case is yet to be committed to the Court of Sessions further incarceration of the petitioner would serve no useful purpose as the petitioner has now been in custody since 7.7.2023 coupled with the fact that as many as 14 witnesses have been examined by the prosecution.

6. 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

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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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

April 29, 2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable:	Yes/No