



CRM-M-20964-2024

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

CRM-M-20964-2024
Decided on : 25.07.2024

Prince @ Hanery Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Meghna Nehra, Advocate
Mr. Rahil Mahajan, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.320 dated 01.11.2020 under Sections 379-B(2), 34 IPC and 25 of Arms Act registered at Police Station Maqboolpura District Amritsar.

2. Learned counsel for the petitioner has vehemently argued that the petitioner's false implication in the present case is evident from the fact that when the complainant PW-1 Satinder Singh stepped into the witness box he did not support the case of the prosecution much less identified the petitioner, one of the three persons, who allegedly snatched his motorcycle and fired upon him on the fateful night. Learned counsel in support has placed on record the testimony of PW-1 Satinder Singh wherein it stands



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reflected that the complainant, who is the most material witness in the present case, had been declared hostile as he had been unable to identify the accused including the petitioner during trial. Learned counsel has, therefore, prayed for granting the concession of bail to the petitioner, more so, 17 prosecution witnesses still remain to be examined and hence, there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute that the sole material witness i.e. complainant already stand examined and was declared hostile during trial. However, learned State counsel has placed on record the custody certificate of the petitioner wherein it stands reflected that he is involved in number of other criminal cases. It has also not been disputed by the State counsel that 17 prosecution witnesses still remain to be examined.

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

5. Before proceeding further, it would be relevant to reproduce the contents of the FIR in question, which is as under:

“Statement of Satinder Singh son of Gurdip Singh, resident of H.No.4/1077, street No.03, Judge Nagar, Jaura Phatak, Police station Mohkamura, District Amritsar, aged about 34 years, mobile 7837719557. It is stated that I am the resident



of the above address. Sometime ago, I have left the job of Nexa Agency near Golden gate and am in search of new job. My wife Sapna Rani is working as Head of HR Department in Novelty Hyundai, G.T Road, Amritsar. As usual, I had come to Novelty Hyundai Agency, G.T. Road, Amritsar to take my wife, on my motorcycle No.PB-02-DB- 2745 mark Pulsar 180 colour black, at about 8.45-9.00 PM. called my wife on phone that I have come outside the agency, come out. My wife asked me to wait for another 10-15 minutes. I was waiting for my wife while sitting on the motorcycle. In the meantime, from New Amritsar gate from the service line, 03 youths came on a motorcycle. I do not know these three youths and can identify them upon producing before me. They parked their motorcycle near me. The last person sitting on the motorcycle came down. He was carrying a pistol in his hand. He asked me to give the motorcycle. I asked him why I would give the motorcycle to you. He fired a shot in the air from his pistol I got scared and went behind. I tried to catch him. He fired on me, which hit on the muscle above my left elbow. I became nervous and fell on the ground. They snatched the keys of my motorcycle and absconded with my motorcycle I could not read the number and mark of their motorcycle. I raised hue and cry. Upon hearing my voice, my wife and other employees of the agency came out. My wife arranged a vehicle and got me admitted in Sri Guru Ramdass Hospital, Walla, Amritsar for treatment, where I am under treatment. I have got my statement recorded, heard and is correct. Action be taken.”



6. As per the allegations levelled in the FIR in question, the complainant had categorically stated that in case, the persons, who had assaulted him and snatched his motorcycle at gunpoint would be brought before him, he would be able to identify them, however, as not disputed, during trial, he was unable to identify any of the accused including the petitioner. The petitioner has been in custody since 02.09.2022.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. 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.

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

25.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

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