IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33218-2024
Decided on : 30.07.2024

Amritpal Singh @ Kaito ..... Petitioner

Versus

State of Punjab ..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anosh Samson, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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Manjari Nehru Kaul, J.(Oral)

This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.101 dated 17.08.2023 under Sections 379-B(2), 392, 34, 411, 201 IPC read with Section 25 of Arms Act registered at Police Station Dera Baba Nanak Police District Batala District Gurdaspur.

3. Learned counsel for the petitioner contends that a perusal of the FIR, which has been annexed as Annexure P-1, clearly reveals that it was registered against unknown assailants, who allegedly robbed the complainant at gunpoint after entering his shop. Learned counsel has further submitted that subsequently, the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Harwinder

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Singh @ Bakri, who stated that the petitioner was accompanying them at the time of the alleged occurrence. Learned counsel has still further submitted that the falsity of the prosecution version in nominating the petitioner as an accused in the present case is evident from the fact that while stepping into the witness box, the complainant, who is the most material witness in the present case as it was he, who was allegedly robbed by the petitioner, failed to identify the petitioner, as a result of which, he was declared hostile. Learned counsel has, therefore, in view of the aforesaid facts and circumstances urged that, further incarceration of the petitioner, who has evidently been falsely implicated in the present case, would serve no useful purpose as the trial would take considerable time to conclude since 7 prosecution witnesses still remain to be examined.

4. 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 petitioner was nominated as an accused on the basis of a disclosure statement made by co-accused Harwinder Singh @ Bakri; furthermore, both the material witnesses including the complainant stood examined and during trial had been declared hostile. Learned State counsel has also not disputed the stage of the trial and that the next date of hearing fixed before the trial Court is 09.08.2024 when some more prosecution witnesses are likely to be examined.

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

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6. The petitioner was nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused. The petitioner has been in custody since 01.09.2023. During trial, the complainant, who is the most material witness, did not identify the petitioner and was resultantly declared hostile.

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.

30.07.2024 **(MANJARI NEHRU KAUL)**
sonia **JUDGE**

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

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