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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-39851-2023 (O&M)
Date of Decision:- 08.02.2024

MANDEEP SINGH @ DEEPU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Surinder Garg, Advocate for the petitioner.
Mr. Sarabjit Singh Cheema, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
54	14.05.2023	379-B, 506, 473 and 411 IPC	Sadar Kotkapura, District Faridkot

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that the petitioner is in custody since 14.05.2023 and challan has already been presented in the Court. He submits that during the course of trial, the complainant while appearing as PW-2, has not supported the case of the prosecution. He, thus prayed for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel, while opposing the bail petition of the petitioner, has fairly admitted that the complainant has not supported the case of the prosecution. He has filed the custody certificate dated 07.02.2024 of the petitioner, which is taken on record.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the instant FIR was registered on the statement of Raghuvir Kumar that on 13.05.2023, when he was sleeping in the godown, one unknown person armed with a stick entered the godown and threatened the complainant to handover his belongings and snatched his mobile phone and ran away. The complainant tried to chase the assailant, however, he fled away on his motorcycle. Admittedly, the petitioner is in custody since 14.05.2023 and challan has already been presented in the Court. A perusal of the statement of the complainant (Annexure A-1) reveals that the complainant has not supported the case of the prosecution and has turned hostile. The petitioner cannot be left to suffer incarceration by detaining him in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)

JUDGE

08.02.2024

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No