

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1. CRM-M-42771-2023
Date of decision: 18.04.2024

Lovepreet Singh @ LovePetitioner

Versus

State of PunjabRespondent

2. CRM-M-53887-2023
Date of decision: 18.04.2024

Sukhmander Singh @ MandirPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. B.D. Sharma, Advocate
for the petitioner in CRM-M-42771-2023.

Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner in CRM-M-53887-2023.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Sarthak Jindal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.49 dated 05.03.2023 under Sections 307/379-B(2)/148/149/120-B of the IPC registered at Police Station Maqboolpura, District Police Commissionerate, Amritsar.

2. Learned counsel for the petitioners submit at the outset have drawn the attention of this Court to the FIR in question and submitted that a perusal of the same reveals that it had been registered

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against unknown persons who intercepted the complainant while he was going in his car; the complainant was then allegedly inflicted injuries on his head and other parts of his body with the kirpans, which the alleged assailants were carrying with them at the relevant time; after inflicting injuries on the complainant, the alleged assailants fled away from the spot, after snatching two mobile handsets along with wallet of the complainant which contained Rs.5,000/-. Learned counsel have further submitted that later on the petitioners were implicated in the instant case on the basis of some information received by the police qua their involvement in the crime in question. Learned counsel submit that the falsity of the prosecution version and the petitioners being innocent is apparent from the fact that while stepping into the witness box as PW1, the complainant categorically deposed that though the occurrence in question had taken place at the behest of co-accused Gurinder Singh @ Jagwinder Singh @ Ghali, his brother in law, however, the petitioners were not the persons who had either attacked him or participated in the occurrence in question in any manner. In support, learned counsel have placed on record a copy of the deposition of the complainant wherein the factum of the complainant not identifying the petitioners stands reflected coupled with the fact that the prosecution had declared him hostile during trial. Learned counsel have submitted that since the petitioners have now been in custody for more than a year having been arrested on 12.03.2023 and 20.03.2023 respectively, and the sole material witness i.e. the complainant stands examined and as already submitted not supported the case of the prosecution, further incarceration of the petitioners would serve no useful purpose as 18

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prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel assisted by learned counsel for the complainant while opposing the prayer made by learned counsel for the petitioner, have not disputed the submissions made by the counsel opposite qua the complainant not identifying the petitioners during trial as a result of which he was declared hostile. Learned State counsel has also not disputed on instructions from ASI Rampal that 18 prosecution witnesses still remain to be examined and the next date fixed before the learned Trial Court is 03.06.2024.

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

5. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioners would serve no useful purpose as the trial will take considerable time to conclude since 18 prosecution witnesses still remain to be examined. This Court, therefore, deems it fit to extend the concession of bail to the petitioners.

6. Accordingly, both the petitions are hereby allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

18.04.2024

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(MANJARI NEHRU KAUL)
JUDGE

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