

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

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**2024:PHHC:038290**

CRM-M-45169-2023

Date of decision: March 18<sup>th</sup>, 2024

Harwinder Singh alias Mahanti

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. B.S. Aulakh, Advocate  
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

**MANJARI NEHRU KAUL, J. (ORAL)**

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.103 dated 05.07.2023 under Sections 379-B, 34 of the IPC (Section 411 of the IPC added later on) registered at Police Station City Malout, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner, *inter alia*, contends that the false implication of the petitioner in the case in question is evident from the fact that when the complainant stepped into the witness box before the trial Court to depose as PW-1, he failed to identify the petitioner as one of the two persons, who had allegedly snatched his wallet along with some money. Learned counsel submits that the complainant was, therefore, declared hostile during trial. Learned counsel submits that since the sole material witness i.e. the complainant stands examined and had not supported the case of the prosecution, further incarceration of the petitioner would serve no useful purpose as eight prosecution witnesses still remain to be examined.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Harbans Singh, has not disputed that the complainant, who is the sole material witness in the case in hand, stands examined and had been declared hostile by the prosecution. It has also not been disputed that other than the complainant, there was no other material witness remaining to be examined. However, learned State counsel, on further instructions, submits that the petitioner was nabbed at the spot soon after the occurrence in question and hence, there was no question of his false implication.

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

5. The petitioner has been in custody since 05.07.2023 for having allegedly snatched the wallet along with some money from the complainant, however, as not disputed, the complainant did not support the case of the prosecution. The trial is unlikely to conclude as eight prosecution witnesses still remain to be examined.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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.

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

March 18<sup>th</sup>, 2024

*Puneet*

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes  
Whether reportable : No