



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-47427-2023

Date of decision: May 7th, 2024

Parminder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ketan Chopra, 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.105 dated 29.05.2023 under Sections 392, 34, 411 of the IPC and Section 25 of the Arms Act registered at Police Station Mandi Gobindgarh.

2. Learned counsel for the petitioner submits that he has been in custody since 29.05.2023 for allegedly accompanying co-accused Manjinder Singh to the shop of the complainant and thereafter, after putting the complainant under fear, both of them looted an amount of ₹5,000/- along with his mobile handset. Learned counsel submits that his false implication in the instant case is evident from the fact that the complainant, while stepping into the witness box as PW-2, failed to identify the petitioner as being the one, who had accompanied co-accused Manjinder Singh to his shop at the time of the occurrence in question. Learned counsel in support has drawn the attention of this Court to the deposition of the complainant, wherein it stands reflected

that he had indeed not supported the case of the prosecution and had been declared hostile. Learned counsel submits that in the aforementioned facts and circumstances, since the sole material witness i.e. the complainant stands examined and has been declared hostile, further incarceration of the petitioner would serve no useful purpose as 11 prosecution witnesses still remain to be examined.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute the factum of the sole material witness i.e. the complainant having been declared hostile during trial. It has also not been disputed that other than the complainant, there is no other material witness, who needs to be examined in the instant case.

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

5. The petitioner has been in custody since 29.05.2023; as conceded by the learned State counsel, the sole material witness i.e. the complainant did not support the case of the prosecution and resultantly, was declared hostile. The likelihood of the trial concluding in the near future does not seem possible. Hence, 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.

6. 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.

May 7th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No