

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-50379-2023 (O&M)

Date of decision: 08.01.2024

Jujhar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anil Kumar Spehia, Advocate
for the petitioner.

Mr. Jaiteshwar Singh, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-53814-2023

For the reasons mentioned in the application, the same is allowed and copies of statement of the complainant dated 23.11.2023 and judgment of acquittal dated 25.10.2023 are taken on record as Annexures P-5 and P-6 respectively subject to all just exceptions.

CRM-M-50379-2023

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0112 dated 19.07.2022 under Sections 379-B, 411 of the IPC registered at Police Station Bullowal, District Hoshiarpur.

2. Learned counsel for the petitioner inter alia contends that the petitioner, who has been in custody since 22.02.2023 is innocent and has been falsely implicated in the case in hand for allegedly decamping with ₹12,340/- on gun point on 19.07.2022 from a petrol pump. While drawing the attention of this Court to the deposition of the

complainant, which has been annexed as Annexure P-5, he submits that the complainant while stepping into the witness box had not supported the case of the prosecution and had failed to identify the petitioner as a result of which he was declared hostile. It has been further submitted that since the sole material witness in the case in hand i.e. the complainant has been examined and has not supported the case of the prosecution, further incarceration of the petitioner would serve no useful purpose as 08 more prosecution witnesses remain to be examined.

3. 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 FIR in question was registered against unknown persons; the complainant while stepping into the witness box as PW1 had failed to identify the petitioner and had also not supported the case of the prosecution as a result of which he was declared hostile. Learned State counsel has also not disputed that co-accused Varinder Singh @ Binda @ Mogli has already been extended the concession of bail by this Court vide order dated 03.10.2023.

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

5. The petitioner has been in custody for almost one year having been arrested on 22.02.2023. The sole material witness in the case in hand i.e. the complainant already stands examined and as already observed in the earlier part of this order, has not supported the case of the prosecution as a result of which he was declared hostile. In the facts and circumstances as enumerated hereinabove, further

incarceration of the petitioner would serve no useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

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

08.01.2024

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(MANJARI NEHRU KAUL)
JUDGE

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