



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

240

CRM-M-48165-2024

Date of decision: 11.11.2024

Prince Singh @ Haneri @ Hanery

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.74 dated 27.02.2022 under Section 379-B of the IPC (Sections 411/201 of the IPC added lateron) registered at Police Station Maqboolpura, Amritsar.

2. At the outset, a query was put to the learned counsel for the petitioner as to what was the material change in circumstances which would warrant entertaining the instant petition since the previous petition was dismissed as withdrawn on 15.03.2024, it has been contended that complainant Harjinder Singh had since been examined and had not supported the case of the prosecution as a result of which he was declared hostile. Learned counsel, in support, has drawn the attention of this Court to the deposition of the complainant which has been annexed as Annexure P-3 wherein it does indeed stand reflected



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that the petitioner had been declared hostile by the prosecution. Learned counsel submits that in the aforementioned facts and circumstances, the petitioner's false implication in the present case is evident, and furthermore no useful purpose would be served in keeping him in custody as the trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Rampal Singh, has not disputed that the complainant while stepping into the witness box as PW1 had indeed been declared hostile as he had failed to identify the complainant as being the person who had snatched the purse and other articles belonging to the complainant party. Learned State counsel has also not disputed that six prosecution witnesses still remain to be examined.

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

5. The petitioner has been in custody since 01.09.2022. The complainant has already been examined and has been declared hostile by the prosecution. The trial is unlikely to conclude in the near future. In the facts and circumstances as enumerated hereinabove, this Court 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.



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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.

11.11.2024

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(MANJARI NEHRU KAUL)

JUDGE

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