

207



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49018-2024
Date of Decision: 19.12.2024

KANISH KUNDRA ALIAS PALWAAN
.....Petitioner

VERSUS

STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ashish Kaushik, Advocate,
for the petitioner

Ms. Avneet, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.19, dated 13.02.2024, under Sections 379(B)(2) and 34 of the IPC, 1860, and under Section 25 of the Arms Act, registered at Police Station Civil Lines, District Amritsar.
2. The petitioner in the instant FIR was arrested on the basis of production warrants.
3. The allegations in the instant FIR against the present petitioner is that he alongwith the co-accused snatched the bag-pack of the complainant containing Rs.2.72 lakhs, while armed with a deadly weapon, in a pre-planned manner. The present petitioner is stated to be the brother-in-law of the main accused-Rahul.

4. In asking for the relief (*supra*), learned counsel for the petitioner, submits that the petitioner has suffered incarceration of about 8 months, as on today.

5. He further submits that though the petitioner is stated to be involved in two other cases, one being of a similar nature, however, he is already on bail in that case.

6. He also submits that the probative value of the allegations, as alleged in the instant FIR, is yet to be established by way of trial.

7. He in addition submits that the co-accused-Rahul Sharma alias Nancy, has already been granted regular by this Court, vide order dated 14.08.2024 passed in CRM-M-29420-2024 (Annexure P-4).

8. He over and above submits that the conclusion of the trial would take a long time, as out of the total 30 prosecution witnesses, none has been examined till date.

9. On the other hand, learned State counsel vociferously opposed the asked for relief (*supra*), and has filed custody certificate *qua* the petitioner, today in court, the same is taken on record, which reflects that the petitioner has suffered incarceration of 07 months and 23 days, as on today, and he is involved in 02 other criminal case.

10. She further submits, on instructions imparted to her by the police official concerned, that the final report in the FIR (*supra*), has already been filed by the prosecution on dated 21.05.2024, thereupon the learned trial court concerned, has framed the charges on dated 16.07.2024.

11. She fairly admits that out of the total 30 witnesses cited by the prosecution in the final report, none has been examined till date.

12. This Court has heard the learned counsel for the parties concerned, and has gone through the entire case file, and is of the considered opinion that the instant petition is amenable for being allowed.

13. The reason for forming the above inference emanates from the factum that:- (i) the petitioner has suffered incarceration of 7 months and 23 days, as on today; (ii) the co-accused-Rahul Sharma has already extended the relief of regular bail by this Court vide order (*supra*); (iii) the final report under Section 173 Cr.P.C has already been filed on 21.05.2024 and the charges have already been framed on 16.07.2024; (iv) out of the total 30 prosecution witnesses as cited by the prosecution in the final report, none has been examined till date; (v) trial is not likely to conclude anytime soon; (vi) no fruitful purpose would be served by keeping the petitioner behind the bars.

14. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

15. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.
16. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.
17. All pending application(s), if any, also stand **disposed** of accordingly.

December 19, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No