

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-M-56214-2023

Date of decision: 09.01.2024

Arshdeep Singh alias Arsh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. A.P.S. Tung, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.044 dated 22.05.2022 under Sections 379B/34 of the IPC (Sections 379B(2)/411/201 of the IPC added lateron) registered at Police Station Verka, District Amritsar City.

2. Learned counsel for the petitioner inter alia contends that the FIR in question was registered against unknown persons, who allegedly after waylaying the complainant deprived him of his mobile handset, along with some cash which he was carrying with him at the relevant time. Learned counsel contends that subsequently the petitioner was arrested in another FIR No.43 on the same date where he confessed qua his involvement in the instant FIR leading to his arrest on 22.06.2022. It has been submitted that the alleged confession made before the police in the other criminal case which stands registered against him is inadmissible in evidence and other than this confessional

statement there is no evidence/material to link him with the crime in question. It has further been submitted that the investigation in the case in hand is complete as not only the challan has been presented but even charges stand framed, however, none of the 16 prosecution witnesses have been examined so far. Hence, the possibility of the trial concluding in the near future is bleak.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Gurnam Singh, has not been able to dispute that the FIR in question was registered against unknown persons and the name of the petitioner in the crime in question came to the fore during his interrogation in another criminal case which was registered on the same date as the present one wherein he confessed to his involvement in the instant crime. It has also not been disputed by the learned State counsel that after the charges framed on 18.10.2023, the trial had not progressed as none of the 16 prosecution witnesses had been examined.

4. On a pointed query put to the learned State counsel, he on instructions, has informed the Court that the next date fixed before the Trial Court is 21.03.2024 when prosecution evidence is likely to commence.

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

6. In the facts and circumstances as enumerated hereinabove, there is no likelihood of the trial concluding in the near future as none of the 16 prosecution witnesses have been examined so far. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

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7. 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.

8. 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.

09.01.2024 (MANJARI NEHRU KAUL)
Vinay JUDGE

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