



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

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CRM-M-53847-2024

Date of decision: 14.11.2024

SOURAV ALIAS SODHA

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bikram Jit Singh Randhawa, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.03 dated 09.01.2024 under Sections 394 of the IPC (Section 379-B IPC was added later on) registered at Police Station Nangal, District Rupnagar.

2. Learned counsel for the petitioner submits that his false implication in the present case is evident from the fact that while stepping into the witness box, the complainant, who was allegedly attacked by the petitioner and co-accused and robbed of her Aadhar Card and her wallet, had not supported the case of the prosecution as a result of which she was declared hostile. Learned counsel submits that co-accused-Vineymar Bains @ Banu @ Vinamr Bains had already been extended the concession of bail by this Court by noticing the factum of the complainant being declared



hostile by the learned trial Court. In support, learned counsel has drawn the attention of this Court to the order of the co-accused granting bail annexed as Annexure P-3. Learned counsel has submitted that in the aforementioned facts and circumstances, moreso when the petitioner has now been in custody since 10th of January 2024, his further incarceration would serve no useful purpose as there can be no apprehension of the evidence being tampered or witnesses being intimidated by him.

3. Custody certificate filed by the learned State counsel in Court today is taken on record subject to all just exceptions. Copy thereof has been provided to the counsel opposite.

4. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner and also the factum of the sole material witness having been examined and having been declared hostile before the trial Court. Learned State counsel has however reiterated the allegations levelled in the FIR which stands reproduced hereinunder:

“Copy of repat, statement of complainant Mahesh Kumar son of Jokhu Lal resident of Saket Colony, Muzafar Nagar, Police Station Civil Lines, District Muzafar Nagar (UP) at present residing on rent of Satish Pardhan, Shiwalik Avenue, Naya Nangal, Police Station, Nangal, District Rupnagar. stated that I am resident of above mention address and working as a selling clothes in the village. On 8.1.2024, I came back to my quarter in Shiwalik Avenue after making rounds in the village. After prayer to God I was cooking meal for mine. It was at about 4.20 PM, two hair shorn boys aged about 20-22 years came in his room. One of the boy was having a garden spade (Gainti) without handle in his hand. They asked him for water and he served the



same. After that said boys demanded money from him, but I refused to give money to them, on which one of the boy grappled me and other boy started hitting on my head with garden spade (Gainti), due to which my head was injured and I smeared with blood. I fell down and raised hue and cry. Both the said boys were calling each other with the names of Soda and Banu. One Boy said that Banu check the bag and Banu checked my bag. My purse was in the bag. In which Rs.18,000/-, Aadhaar Card and ATM card of SBI were snatched from my bag and They left behind the iron garden spade (Gainti) in my room. After that some passersby gathered there and they got admitted me in Civil Hospital, Nangal, for treatment. Aforesaid Soda and Banu gave beatings to me and snatched my money, Aadhaar Card and ATM, so Tke the legal action against them. Statement was recorded same was read, heard and correct. Sd/- Mahesh Kumar, attested sd/ Tajinder Singh ASI, PS Nangal Dated 09.01.2024."

5. Learned State counsel has further submitted that the petitioner was categorically named in the FIR in question and attributed a role in the crime. It has also been submitted by the learned State counsel that five prosecution witnesses stand examined whereas four have been given up.

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

7. The sole material witness on whose instance the FIR came to be registered has not supported the case of the petitioner, as a result of which she was declared hostile. The trial is unlikely to conclude shortly.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is allowed and 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.

10. 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.

November 14, 2024
ps

(MANJARI NEHRU KAUL)
JUDGE

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