

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

206

2024:PHHC:039863

CRM-M-58290-2023 (O&M)

Date of decision: March 20th, 2024

Sandeep Singh @ Kali

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Suresh Kumar Arya, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.122 dated 22.07.2023 under Sections 379-B/201/148/149 of the IPC registered at Police Station Majitha, District Amritsar.

2. Learned counsel for the petitioner at the outset submits that the sole material witness/complainant while stepping into the witness box had failed to identify the petitioner as being the person, who had snatched ₹20,000/- from him; resultantly, the complainant was declared hostile. Learned counsel asserts that in the circumstances, it is evident that a false and fabricated case has been planted upon the petitioner. It has also been submitted that identically placed co-accused Thomas has also been extended the concession of bail by this Court vide order dated 13.03.2024 on account of the complainant being declared hostile during trial. Learned counsel submits that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose as 12 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Baldev Raj, has not disputed that the sole material witness i.e. the complainant had been declared hostile during trial.
4. I have heard learned counsel for the parties and perused the material placed on record.
5. The petitioner has been in custody since 31.07.2023. The sole material witness in the case in hand i.e. the complainant while stepping into the witness box did not support the case of the prosecution nor did he identify the petitioner as being one of the persons, who allegedly snatched ₹20,000/- from him.
6. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude. Accordingly, the instant petition is allowed. The petitioner be admitted to bail 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.

March 20th, 2024

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No