

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-58674-2023

Date of decision: 16.02.2024

Gurjeet Singh alias Tulli

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Joginder Pal Devgan, Advocate and
Mrs. Malkeet Devgan, Advocate
for the petitioner.

Mr. Navdeep Singh, 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.145 dated 09.12.2022 under Sections 341, 379(B)(2), 148, 149, 506 of the IPC (Sections 411 and 201 of the IPC added lateron) registered at Police Station Mohkampura, Police Commissionerate, Amritsar.

2. Learned counsel for the petitioner contends that the petitioner has been in custody since 21.03.2023 for having allegedly waylaid the complainant on the fateful day and after threatening him with dire consequences snatched his mobile handset along with SIM cards. Learned counsel has submitted that the challan was presented on 12.06.2023 followed by framing of charges and now even the complainant stands examined and hence in the facts and circumstances, his further incarceration would serve no useful purpose as there could be no apprehension of the petitioner intimidating or influencing the

witnesses.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Kulwant Singh, has reiterated the allegations levelled in the FIR against the petitioner and the co-accused. He has, however, on instructions, not been able to dispute that the sole material witness in the case at hand i.e. the complainant stands examined. He, on further instructions, has submitted that as many as 11 prosecution witnesses still remain to be examined. It has also been brought to the notice of this Court that the petitioner is involved in one other criminal case of similar nature, however, admittedly he is on bail in the said case.

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

5. The petitioner has been in custody since 21.03.2023. There is no likelihood of the trial concluding in the near future as prosecution evidence is still underway. The sole material witness i.e. the complainant already stands examined. In the facts and circumstances, further incarceration of the petitioner would serve no useful purpose as there could be no apprehension of the petitioner trying to tamper with evidence or influence the complainant in any manner. 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.

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.

16.02.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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