

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-62258-2023

Date of decision: 30.04.2024

Lovepreet Singh alias LovePetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vipul Aggarwal, 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 439 of the Cr.P.C. in case FIR No.34 dated 08.04.2023 under Sections 379-B(2) and 34 of the IPC (Section 473 of the IPC added lateron) registered at Police Station Khilchian, District Amritsar Rural.

2. Learned counsel for the petitioner inter alia contends that the petitioner having been falsely implicated in the instant case is evident from the fact that while stepping into the witness box all the material witnesses including the petitioner had not supported the case of the prosecution as a result of which they were declared hostile. Learned counsel submits that in the circumstances, no useful purpose would be served in keeping the petitioner in custody as all the material witnesses stand examined, hence, there can be no apprehension of the witnesses being intimidated or influenced. Learned counsel has further submitted that the petitioner has now been in custody since 16.07.2023; 16 witnesses have been cited by the prosecution, however, only 03 stand examined till date, hence, there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Satpal, has not disputed that all the 03 material witnesses i.e. the complainant and the eye witnesses while deposing before the learned Trial Court had failed to identify the petitioner as a result of which they were all declared hostile. However, he submits on instructions that though the case was registered against unknown persons, however, there were allegations that those unknown persons after attacking the complainant, his wife and his son, had snatched their belongings while they were going on their motorcycle on 08.04.2023.

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

5. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as 13 witnesses still remain to be examined and thus the trial would take considerable time to conclude. This Court, therefore, 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.

30.04.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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