

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.63512 of 2023
Date of decision: 16th April, 2024

Akash @ Chand
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravi Malhotra, Advocate for the petitioner.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.135 dated 28.08.2023 under Sections 379-B (2) of the IPC registered at Police Station Model Town, District Police Commissionerate Ludhiana.
2. Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the instant case for allegedly decamping with the mobile handset and other valuables of the complainant on the fateful day, along with co-accused. He submits that the petitioner has been in custody since 16.10.2023 and after charges were framed, the sole material witness in the case in hand i.e. the complainant stands examined, hence there could be no apprehension of

the petitioner intimidating or influencing the witnesses, more so as 11 prosecution witnesses still remain to be examined the trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Pardeep Kumar, has reiterated the case of the prosecution against the petitioner. It has been submitted, on instructions, that though the petitioner was nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused, however, he too was an active participant in the crime in question; the petitioner along with co-accused came to the spot armed with iron rods and swords etc. and after intercepting the complainant, inflicted injuries on his head and thereafter, fled away after snatching his mobile handset and some other valuables.

4. On a pointed query put to the learned State counsel as to whether the petitioner has any other criminal antecedents, he on instructions has replied in the negative.

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

6. The petitioner has now been in custody since 16.10.2023 and there is no likelihood of the trial concluding in the near future as 11 prosecution witnesses still remain to be examined. The sole material witness in the case in hand i.e. the complainant, as not disputed by the learned State counsel, already stands examined. In the facts and

circumstances, as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose. This Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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 here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

April 16, 2024
rps

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