



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

216

CRM-M-4844-2025

Date of decision: April 4th, 2025

Daljinder Singh @ Ghanti @ Mani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raj Kumar Gupta, Advocate
with Mr. Gaurav Rana, Advocate
for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.216 dated 31.12.2023 under Section 379(B) of the IPC registered at Police Station Garhshankar, Hoshiarpur.

2. Learned counsel for the petitioner submits that in an apparent case of false implication, the petitioner has now been in custody since 31.08.2024. Only two prosecution witnesses out of the 12 have been examined and hence, the possibility of the trial concluding in the near future does not arise.

3. Furthermore, learned counsel has drawn the attention of this Court to the allegations levelled in the FIR, which stands reproduced in the body of the petition. It has been contended that as per the complainant himself, on 30.12.2023 at about 7:30 PM, two boys with muffled faces, entered his shop and after threatening him with

pistol, snatched about ₹12,000/-; one mobile handset (smartphone) and one simple handset. Learned counsel has asserted that once the alleged assailants were in muffled faces, it does not appeal to prudence as to how in the absence of any physical attributions being detailed by the complainant with respect to the two assailants, the police had nominated the petitioner as the accused in the present case. It has been further argued by the learned counsel that the petitioner has no previous criminal antecedents, which further lends substance to his false implication in the present case, coupled with the fact that no recovery of either the snatched mobile handsets or even cash was effected from the petitioner. Learned counsel has, therefore, urged that in the aforementioned facts and circumstances, more so when there is no incriminating material collected by the police to even remotely connect the petitioner with the alleged occurrence, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute the contents of the FIR in question. Learned State counsel has, however, disputed the submissions made by the counsel opposite qua no recovery of the snatched articles having been effected from the petitioner. It has been contended that one of the snatched mobile handsets was recovered from the possession of the petitioner and he was nominated as an accused in the present case on the account of the SIM location, which was inside the said mobile handset. However, on instructions, learned State counsel has not disputed the stage of trial and submitted that ten prosecution witnesses still remain to be examined.

It has also not been disputed that the petitioner is not involved in any other criminal case much less a case of identical nature.

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

6. The petitioner has been in custody since 31.08.2024. The trial will take considerable time to conclude as only two prosecution witnesses out of the 12 have been examined till date.

7. In the facts and circumstances as enumerated hereinabove, 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.

April 4th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No