



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

236

CRM-M-7064-2025

Date of decision: 13.02.2025

Vishal @ Fuleri

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vishal Sharda, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.128 dated 25.06.2023 under Sections 379-B, 34 of the IPC registered at Police Station Ajnala, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 28.06.2023 in an apparent case of false implication. Allegedly, the petitioner along with the co-accused snatched a silver chain belonging to the complainant, however, as per the learned counsel the chain which was allegedly snatched from the complainant was not recovered from the petitioner but from co-accused Jatin, who has already been enlarged on bail. Learned counsel has also argued that although challan stands presented and even charges stand framed, till date none of the 10 prosecution witnesses has been examined, hence, possibility of the trial concluding



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in the near future does not arise. A prayer has, therefore, been made for extending the concession of bail to the petitioner in the above given facts and circumstances.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has reiterated the allegations levelled in the FIR which stand reproduced hereinunder:-

“Statement of Dhani son of Puran Resident of Jafarkot Police Station Ajnala aged around 27 years Mobile Number 75280-69664, Stated that I am resident of above mentioned address and is a Labourer. On 24.06.2023 I alongwith my sister Sonia wife of Kuldeep Singh Resident of Ward Number 4 Ajnala, were returning on motorcycle after planting rice. At around 5.00 hrs when I reached just ahead of Kirtan Darbar ground, in the meantime, Vishal alias Fuleri, son of Wilson, resident of Ward Number 4, Ajnala and Jatin, son of Surinder Kumar, resident of Ward Number 9, Ajnala came from ahead and signalled with hand and asked me to stop on the ground that they want to talk to me. The moment I stopped my Motorcycle then both of them snatched my silver chain weighing around 3/4 Tola from my neck and ran away Today I along with my sister Sonia wife of Kuldeep Singh resident of Ward Number 4 was coming, that in the meantime you met us. That Vishal alias Fulari and Jatin had snatched my chain, legal action may be initiated against them and justice may be done to me.”

4. Learned State counsel, on instructions from SI Satnam Singh, has not disputed the custody period of the petitioner nor has it been disputed that after the charges were framed on 19.01.2024, none of the 10 prosecution witnesses had been examined. It has also not been disputed by the learned State counsel that the silver chain which had allegedly been snatched from the complainant was not recovered from the petitioner but from co-accused Jatin, who has already been enlarged

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on bail by the learned Trial Court. On a further query, learned State counsel, on instructions, has submitted that the petitioner is not involved in any other case of identical nature although he is facing trial in a case under the Excise Act.

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

6. The petitioner has been in custody since 28.06.2023. The next date fixed before the learned Trial Court is 24.02.2025. The trial would take considerable time to conclude as none of the 10 prosecution witnesses has been examined so far. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. 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.

8. 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.

13.02.2025

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**(MANJARI NEHRU KAUL)
JUDGE**

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