

2025:PHHC:083132



274.

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

CRM-M-32995-2025 (O&M)

Date of decision: 10.07.2025

Gurpreet Singh @ Gopi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Hitesh Verma, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-24255-2025

Application is allowed, as prayed for.

CRM-M-32995-2025

1. Prayer in this third petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.158, dated 05.04.2024, under Sections 379-B, 452, 34 of IPC (Section 411 IPC added lateron), registered at Police Station City Barnala, District Barnala.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 11.04.2024 in FIR in question. The petitioner having been falsely implicated in the present case finds due credence from the fact that both the material witnesses, including the complainant and his son, failed to identify the petitioner as being one of the assailants, who attacked them on the fateful day and indulged in snatching of Rs.5,000/-.

Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose as 11 prosecution witnesses still remain to be examined.

3. In compliance with the order dated 26.06.2025, short reply by way of affidavit dated 09.07.2025 of Satvir Singh Bains, PPS, Deputy Superintendent of Police, Sub-Division Barnala, District Barnala, on behalf of respondent-State, has been filed in Court today, which is taken on record subject to all just exceptions.

4. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Pardeep Kumar, has not disputed that both the material witnesses did not support the case of the prosecution, as a result of which, they both were declared hostile. It has not been disputed that 11 prosecution witnesses still remain to be examined.

5. On a pointed query as to whether the complainant had named the petitioner in the FIR in question, he, on instructions, as well as while drawing the attention of this Court to the FIR, annexed as Annexure P-1, has submitted that it was registered against unknown persons.

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

7. The trial is unlikely to conclude in the near future as only 02 prosecution witnesses (complainant and his son) out of the 13 cited have

been examined. The material witnesses admittedly have failed to identify the petitioner during trial.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is allowed and 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.

10. 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.

(MANJARI NEHRU KAUL)
JUDGE

July 10, 2025
sanjeev

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