



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

Sr. No.226

**CRM-M-19287-2026
Date of Decision: 01.05.2026**

HEERA SINGH ALIAS HIRA SINGH**...Petitioner****Versus****STATE OF PUNJAB****....Respondent****CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present:- Mr. H.S. Grewal, Advocate
for the petitioner.

Mr. H.S. Wadhwa, DAG, Punjab.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 Cr.P.C.) for grant of regular bail to the petitioner in case FIR No. 46 dated 31.03.2022, registered under Section 379-B IPC (Section 201 IPC added later on), corresponding to Sections 304 and 238 of the BNS, 2023, at Police Station Raja Sansi, District Amritsar Rural.

2. Briefly, the case of the prosecution is that on 30.03.2022, when the complainant was returning to her house on foot, the present petitioner along with co-accused, allegedly armed with deadly weapons, wrongfully restrained her and snatched a sum of Rs. 50,000/-. On the basis of these allegations, the present FIR was registered. It is further the case of the prosecution that such incidents of snatching are increasing and there is an apprehension that in case the petitioner is released on bail, he may again indulge in similar offences. It has also been alleged that merely because the



complainant has been declared hostile would not entitle the petitioner to the concession of bail.

3. Learned counsel for the petitioner has argued that the petitioner was not named in the FIR and the allegations therein were against unknown persons. It is submitted that the petitioner was nominated at a later stage during investigation. It is further contended that the complainant, Kulwant Kaur, who has been examined as PW-1 before the trial Court, initially identified a wrong person as the accused. It is pointed out that the person identified by her in Court was one Inderjit Singh, who was facing trial in some other criminal case. The complainant, while pointing towards the said Inderjit Singh, stated that he was the person who had committed the offence of snatching the polythene envelope from her hand. On the strength of these submissions, it is argued that the petitioner has been falsely implicated in the present case.

4. On the other hand, learned State counsel has opposed the prayer for bail and submitted that serious allegations of snatching have been levelled against the petitioner. It is contended that although the complainant initially identified a wrong person in Court, she was declared hostile at the request of the prosecution and, during her cross-examination by the learned Public Prosecutor, she admitted that she had correctly identified the petitioner, namely Heera Singh @ Hira Singh, at the police station. It is further submitted that upon being specifically asked in Court whether accused Heera Singh @ Hira Singh was present, she stated that he was present and identified him as the person wearing a blue shirt and black trousers, whereafter the Court recorded that the witness had correctly



pointed towards accused Heera Singh @ Hira Singh present in Court. It is thus argued that the petitioner cannot derive any benefit from the earlier incorrect identification. It is also submitted that as per the custody certificate, the petitioner has undergone custody for a period of 2 years, 5 months and 26 days, and that other prosecution witnesses are yet to be examined.

5. I have heard learned counsel for the parties and gone through the record. The complainant, who is the star witness in the present case, has already been examined as PW-1 and her testimony reflects inconsistencies. She initially identified a wrong person as the accused and thereafter, on being questioned again, identified the present petitioner Heera Singh @ Hira Singh. Such wavering and inconsistent stand of the complainant indicates that she has only partly supported the case of the prosecution. It is also not disputed that the petitioner was not named in the FIR and came to be implicated subsequently on the basis of a statement of one Avtar Singh, who allegedly overheard a conversation of the co-accused at a tea stall. The evidentiary value of such a statement would be a matter for trial. The petitioner has been in custody for a period of 2 years, 5 months and 26 days. The material witness, namely the complainant, has already been examined and the trial is likely to take further time as other witnesses are yet to be examined. In these circumstances, continued incarceration of the petitioner would not serve any useful purpose.

6. Accordingly, without commenting upon the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to furnishing adequate bail and surety bonds to the



satisfaction of the learned trial Court/Duty Magistrate concerned. The petitioner shall abide by all the terms and conditions as may be imposed by the trial Court and shall not misuse the concession of bail in any manner.

7. However, it is clarified that nothing observed hereinabove shall be construed as an expression on the merits of the case.

8. All pending applications, if any, also stand disposed of.

01.05.2026
Anu

(MANDEEP PANNU)
JUDGE

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