

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

-.-

**CRM-M-3553 of 2021(O&M)**

**Date of Decision: 12.11.2021**

Nikhil

....Petitioner

**VERSUS**

State of Punjab

....Respondent

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. D.S.Gandhi, Advocate for the respondent.

Mr. Davinderbir Singh, DAG Punjab

**ALKA SARIN, J. (Oral)**

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.49 dated 07.02.2020 under Sections 379-B (2), 411, 473, 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') registered at Police Station Civil Lines, District Amritsar. The earlier petition (CRM-M-42167-2020) filed by the petitioner was dismissed as withdrawn on 12.01.2021.

Learned counsel for the petitioner would contend that the petitioner and the complainant have since entered into a compromise and that the petitioner has now been in custody since 11.02.2020 i.e. 01 year and 10 months approximately. Learned counsel has further contended that as per the custody certificate itself out of 13 cases against the petitioner, in 09 he stands acquitted and in two cases he has been convicted and out of two cases in which he has been convicted in one case he has already undergone the custody period.

Fresh status report has been filed by the learned State counsel by way of affidavit of Sarbjit Singh, PPS, Assistant Commissioner of Police, North, Amritsar wherein it has been stated that the statement of the complainant has since been recorded and it is an admitted position that a compromise has been effected between the parties. It is, however, contended by the learned counsel for the State that the petitioner is a habitual offender and hence does not deserve the concession of bail.

Heard.

In the present case, the admitted fact is that the complainant and petitioner have since entered into a compromise, the statement of the complainant has been recorded and appended now to the status report filed on behalf of the respondent. Qua the cases pending against the petitioner, as per the custody certificate, out of 13 cases, in 9 cases the petitioner stands acquitted and in two cases he has been convicted and out of two cases in which the petitioner has been convicted in one case he has already undergone the custody period.

In view of the above and without commenting upon the merits of the case and considering the period of incarceration of the petitioner, I deem it fit to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds and heavy surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

**November 12, 2021**

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**( ALKA SARIN )**

**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO