

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

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CRM-M-14511-2021 (O&M)

Date of decision: 22.04.2021

SEWA RAM HEER

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G. Punjab
for respondent No.1-State.

Mr. Charanpreet Singh, Advocate
for respondent No.2-complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-10116-2021

For the reasons mentioned in the application, the same is allowed and applicant-petitioner is exempted from filing welfare stamp and original vakalatnama. However, the same be filed within fifteen days in the Registry.

CRM-M-14511-2021

The petitioner has filed the present Second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 92 dated 20.05.2018 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, 1983 at Police Station Division No.6, Jalandhar

Commissionerate.

His first petition for grant of regular bail was dismissed as withdrawn by this Court vide order dated 16.02.2021.

The petitioner being in custody since the date of his arrest has filed the present second petition for grant of regular bail.

Pursuant to advance notice, Mr. P.S. Walia, Asstt. A.G. Punjab has appeared on behalf of respondent-State and opposed the petition. However, no reply has been filed by the respondent-State.

The complainant has also appeared through counsel. However, the complainant has also not filed any reply.

I have heard learned counsel for the petitioner, learned State Counsel and learned counsel for the complainant and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case on the basis of false and concocted allegations. Even as per allegations made in the FIR, no offence is made out against the petitioner. In any case the matter has been compromised between the petitioner and the complainant and petition for quashing of the FIR on the ground of compromise is to be filed. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that in view of the nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition

may be dismissed.

Learned counsel for the complainant has admitted the compromise and submitted that the complainant has no objection if the petitioner is granted regular bail.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the factum of compromise between the parties and also the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.04.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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