

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21860-2021

Date of Decision: 08.06.2021

Vijay Kumar alias Vijay

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kanwaljeet Singh Brar, Advocate, for the petitioner.

Mr. H.S. Multani, Assistant Advocate General, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case bearing FIR No.09 dated 20.01.2021, under Section 379-B IPC (Sections 34 and 411 IPC added later on), registered at Police Station City Kotkapura, District Faridkot (Punjab).

As per the FIR which was lodged on the basis of a statement of one Sukhdeep Singh son of Budh Singh that he was doing the work of labour and when he was walking from Bathinda road and he reached the Heaven Palace, then from the backside two boys came on motorcycle and snatched a kit from him which contained Rs.2,000/- and some other important documents. In the FIR itself the name of two persons including the petitioner has been named and the petitioner is shown to be on the pillion

seat.

The learned counsel for the petitioner has submitted that the present FIR is a false and frivolous FIR because it was an outcome of personal enmity between the complainant and the accused persons and that is why the petitioner and the other co-accused has been named in the FIR itself. He further submitted that as per the allegations, an amount of Rs.2,000/- had been stolen from the complainant and recovery of Rs.650/- has been shown from the petitioner. The learned counsel submitted that there is nothing on the record to show that the aforesaid currency of Rs.650/- formed a part of alleged Rs.2,000/- of currency. He submitted that the petitioner is in custody since 22.02.2021 and the investigation of the case is already complete and no recovery is to be effected from the petitioner. He has, therefore, prayed for grant of regular bail to the petitioner.

On the other hand, Mr. H.S. Multani, learned Assistant Advocate General, Punjab has submitted that there had been a recovery of Rs.650/- from the petitioner and, therefore, he has opposed the grant of bail. However, he has further stated that it is correct that the petitioner is in custody since 22.02.2021 and the investigation of the case is already complete and no recovery is to be made from the petitioner.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not in dispute. It is also not in dispute that the investigation of the case is already complete and no recovery is to be effected from the petitioner. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may tamper with any evidence or may influence any witness or may flee from justice.

Therefore, without commenting on the merit of the case and

considering the totality of circumstances in the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

08.06.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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