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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.43839 of 2021 (O&M)

Decided on: 27.10.2021

Vikram Sharma @ Bhupesh Sharma

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Raman Goklaney, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Rahul Arora, Advocate for respondents No.2 to 9.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.30 dated 21.03.2021, for offence punishable under Sections 420 and 120-B of the Indian Penal Code (in short 'IPC') registered at Police Station Arniwala, District Fazilka.

Counsel for the petitioner has argued that as per the allegations in the FIR, the complainants/victim alleges that they have paid the amount as detailed in the FIR to the petitioner for providing jobs. It is further submitted that now the matter has been compromised and the affidavit of all the victims as stated in the FIR along with the compromise, are attached with this petition. It is also submitted that even a quashing petition i.e. CRM-M No.44879 of 2021, for quashing of the impugned FIR No.30 dated 21.03.2021, has been filed, which is listed today and notice of motion has been issued. It is also argued that

the complainants have appeared in the said quashing petition through their counsel and acknowledge the factum of compromise arrived at between the parties and the parties have been directed to get their respective statements recorded with regard to the compromise.

Lastly, it is submitted that the petitioner is in custody for the last 05 months and 14 days; the investigation is complete and he is no more required for any further custodial interrogation.

Counsel for the State assisted by counsel for the complainant has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 05 months and 14 days; investigation is complete; the petitioner is no more required for any further custodial interrogation; the offences are triable by the Court of Magistrate; conclusion of the trial is likely to take some time and also in view of the fact that the parties have compromised the matter, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

27.10.2021

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No