

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-41401-2020
Date of decision: 22.01.2021

Harjeet Singh @ Jeeta

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. M.S. Atwal, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Haryana.

Mr. Mohan Singh Chauhan, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

The hearing of this petition has been taken up through video conferencing on account of outbreak of Covid-19 Pandemic.

Instant petition has been filed under Section 439 of Cr.P.C. seeking regular bail in case FIR No.168, dated 01.11.2019 registered under Section 395 of IPC and Section 397 of IPC which was added later on vide DDR No.40 dated 01.11.2019, at Police Station Dasuya, District Hoshiarpur.

Counsel for the petitioner submits that the FIR was registered on the complaint of a salesman of a liquor vend wherein he has stated that when he was in the process of shutting the liquor shop at the close of

business hours, then 5 boys came in an un-numbered vehicle, who asked him to unlock the grill. They started threatening him, took out a pistol and forcibly snatched cash from the Tavern and fled in a car. Counsel urges that the petitioner is not named in the FIR. His name was given by the co-accused, after 10 months of the registration of the FIR. It is his argument that the disclosure statement of the co-accused, which has been recorded in police custody is inadmissible in evidence. Still further, he submits that no role or injury has been attributed to the petitioner. By referring to compromise, dated 19.11.2020, Annexure P-3, counsel asserts that in any case, the dispute has now been settled with the complainant. He submits that the investigation is complete, challan has been presented and the petitioner, who is in custody since 17.09.2020, is no longer required for custodial interrogation. He has submitted that the petitioner has clean antecedents.

Per contra, State counsel, upon instructions from ASI Rajesh Kumar has opposed the petition. He has filed the custody certificate dated 21.01.2021 and status report by way of affidavit of Deputy Superintendent of Police, Sub-Division, Dasuya, District Hoshiarpur. Same are taken on record. As per the status report, the factum of compromise, Annexure P-3, has been verified and the statement of the complainant, Annexure R-1, in this regard, has been separately recorded. State counsel submits that the petitioner has been duly identified by the complainant. As per his instructions, the challan has been presented on 10.11.2020 and the case has been committed to the Sessions Court for

trial though the charge is yet to be framed.

I have considered the rival submissions of the parties.

From the examination of the narration of facts as given in the FIR and the affidavit regarding compromise executed by the complainant, the involvement of the petitioner in the crime is debatable.

Keeping in view the period of incarceration of the petitioner, nature of allegation, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

22.01.2021

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No