

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

209

**CRM-M-51937-2021
Date of decision: 23.12.2021**

Gagandeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Munish Puri, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab
for respondent No.1-State.

Ms. Deepti Rampal, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.260 dated 29.12.2020 lodged under Sections 376 and 420 IPC registered at Police Station Division No.2, District Pathankot.

Learned counsel for the petitioner submits that a false and fabricated case having been planted upon the petitioner is evident from the fact that the investigating agency subsequent to the registration of the FIR in question had prepared and presented the cancellation report before the Court below. He submits that in the aforementioned circumstances, the petitioner be extended the concession of bail as he has now been in custody since 29.11.2021.

Per contra, Learned State counsel, assisted by learned

counsel for respondent No.2, on instructions does not dispute the submissions made by counsel opposite. Learned State counsel has conceded that no substance was found in the allegations levelled in the FIR in question and the cancellation report has since been presented before the Court below.

I have heard learned counsel for the parties and perused the material on record.

In view of the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

23.12.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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