

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213)

CRM-M-2460-2022

Date of decision: - 09.02.2022

Kuldeep Singh @ Billa and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Nishan Singh Chahal, Advocate, for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Hem Raj Bhardwaj, Advocate, for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 439 of Cr.P.C. for grant of regular bail in FIR bearing No.241 dated 26.10.2021, under Sections 379-B and 34 of the IPC (Section 411 of the IPC added later on), at Police Station City Kotkapura, District Faridkot.

The present FIR was registered on the statement of Tina, who had stated that she was coming from the market, when one clean shaven person sneaked up from behind the complainant and snatched her mobile phone and the said assailant tried to flee from the spot on his motorcycle, when the complainant, with the help of other passerbys, caught hold of the said boy, but the person riding on the motorcycle had fled away. It is the case of the prosecution that the person, who had snatched the mobile phone, was Gurpreet Singh @ Gopi and the person

who ran away from the place was Kuldeep Singh @ Billa.

Learned counsel for the petitioners has submitted that in the present case the petitioners have been falsely implicated. It is further submitted that the matter has been compromised and the complainant Tina has given an affidavit in support of the compromise, wherein, she has specifically stated that she does not want to proceed against the petitioners and she has no objection in case the present FIR is quashed and the petitioners are acquitted and/or granted bail. It is further submitted that on the basis of the compromise, a petition under Section 482 Cr.PC. for quashing of the FIR has already been filed. It is further submitted that the petitioners are not involved in any other case and they have been in custody since 30.10.2021 and there are 13 prosecution witnesses, none of whom has been examined and the trial is likely to take time to conclude, moreso, in view of the present pandemic and thus, the petitioners deserve the concession of regular bail.

Learned State counsel, on the other hand, has opposed the present petition for regular bail.

Learned counsel for the complainant has reiterated the factum that the matter has been compromised and has submitted that the complainant has no objection in case the present petition for regular bail is allowed.

This Court has heard the learned counsel for the parties and has perused the paper book.

Keeping in view the above facts and circumstances of this case, moreso, the fact that the matter has been compromised and the

complainant has given an affidavit stating that she has no objection in case the present petition for regular bail is allowed and also the fact that the petitioners have already filed a petition under Section 482 Cr.P.C. for quashing of the FIR on the basis of the compromise and the fact that the petitioners are stated to be not involved in any other case and have been in custody since 30.10.2021 and the challan has already been presented and there are 13 prosecution witnesses, none of whom have been examined and the trial is likely to take time, moreso, in view of the present pandemic and thus, the present petition for grant of regular bail deserves to be allowed.

Accordingly, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court / Duty Magistrate / CJM, and subject to them not being required in any other case.

It is however, made clear that in case the petitioners influence or threaten any witness then, it would be open to the State to move an application for cancellation of bail granted to the petitioners.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

February 09, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No