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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3474-2022

Decided on: February 02, 2022

Bant Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gurdarshan S. Sidhu, Advocate
for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

Through video conference

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed on behalf of the petitioner under Section 439 of the Cr.P.C., seeking regular bail in FIR No.166 dated 25.11.2021, under Sections 427 & 436 of the IPC, registered at Police Station Boha, District Mansa, Punjab.

Learned counsel for the petitioner has submitted that the petitioner is an old aged disease-ridden person of about 68 years and he has been falsely implicated in the present case, which was a counter-blast of the FIR which was lodged by him against the complainant, namely, Ram Kumar alias Ramu Arora, vide Annexure P-3 and it was only because of this grudge that the present FIR has been lodged against the petitioner. He further submitted that even as per the allegations contained in the FIR, the same is based upon the statement of the complainant only and there is no other sufficient or corroborative evidence to substantiate the allegations made in the FIR. It is also submitted by the learned counsel for the petitioner that as

per the FIR, the petitioner was seen at the shop of the complainant at about 5:00 a.m. that he used a ladder and threw something inside the shop of the complainant by which some fire was caused and he had suffered a loss of Rs.35,000/- to Rs.40,000/-. The learned counsel further submitted that it is highly improbable and rather impossible that a person of 68 years of age, who is a disease-ridden person, could climb the stairs by way of ladder or in another way. Even otherwise also it is purely on the basis of the statement made by the complainant which arose out of the previous grudge with the complainant. He has further submitted that the petitioner is not involved in any other case and there is no likelihood that he may abscond from justice.

On the other hand, Mr. A.K. Kaundal, learned DAG, Punjab, submitted that it is correct that the petitioner is in custody, since 26.11.2021 and he is an old person about 68 years of age. He has, however, stated that since the matter is still at investigation stage, the petitioner may not be granted concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner is an old age person about 68 years and the allegation made against the petitioner was that in the morning at about 5:00 a.m., he was seen throwing something through the ventilator of the shop of the complainant by which he suffered a loss of Rs.35,000/- to Rs.40,000/-. The petitioner is not involved in any other case and therefore, mere fact that the matter is still at investigation stage, cannot deprive the petitioner for grant of bail. Furthermore, apart from this, the matter is not that serious in nature which can deprive the petitioner for the grant of bail. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee

from justice.

In view of above, considering the totality of circumstances, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the 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 only for the purpose of decision of present petition.

February 02, 2022
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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