

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

**223**

**CRM-M-4193-2022 (O&M)**

**Date of Decision: 08.07.2022**

NANAK CHAND ALIAS BUNTY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Ms. Eknor Kaur Sara, Advocate  
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Siddharth Gupta, Advocate  
for the complainant.

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**HARNARESH SINGH GILL, J.(Oral)**

**CRM-17560-2022**

Application is allowed, as prayed for.

Annexure P-4 is taken on record.

Registry is directed to tag the same at an appropriate place.

**CRM-M-4193-2022**

Through this petition, the petitioner seeks regular bail in case bearing FIR No.186 dated 15.11.2021, under Sections 379-B, 34 IPC and Sections 323, 325, 201 IPC (added later on), registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that nothing was recovered from the petitioner; that the alleged occurrence took place on 11.11.2021, whereas

the FIR was lodged on 15.11.2021, after a delay of 04 days and that the petitioner has been indicted in the present case, on the basis of the disclosure statement of the co-accused, from whom also nothing was recovered. She further submits that the petitioner has been in custody since 13.12.2021 and that a compromise has already been effected between the complainant and all the accused persons including the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence; that recovery of a motorcycle had already been effected from the co-accused and that the petitioner is a habitual offender, inasmuch as, there are two more FIRs registered and/or pending against him, though he is on bail in said cases. He further submits that post presentation of the challan, charges are yet to be framed and the prosecution evidence is yet to commence.

Learned counsel for the complainant does not dispute the factum of compromise effected between the parties.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 13.12.2021. In another cases registered against the petitioner, the petitioner is on bail. There is a delay of four days in lodging the FIR. No recovery was effected from the petitioner. Compromise has already been effected between the parties. Charges are yet to be framed and prosecution

evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

08.07.2022

Aman Jain

(HARNARESH SINGH GILL)  
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No