

**CRM-M-6100-2022 (O&M) and
CRM-M-16841-2022 (O&M)**

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

**CRM-M-6100-2022 (O&M)
Date of Decision: 07.09.2022**

(I)
Sunil Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-16841-2022 (O&M)

(II)
Lovepreet Singh @ Lovely

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kuldip Singh, Advocate,
for the petitioner in CRM-M-6100-2022.

Mr. J.S. Gill, Advocate,
for the petitioner in CRM-M-6841-2022.

Mr. Amit Rana, Sr. DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

Both the petitions are taken up together for final disposal since
the same arise out of the same FIR with the consent of learned counsel for
the parties.

Both the petitions have been filed under Section 439 Cr.P.C for

grant of regular bail to the petitioners in case bearing FIR No. 0003 dated 07.01.2022, under Sections 379-B and 34 of Indian Penal Code, 1860, registered at Police Station City Fazilka, District Fazilka.

The learned counsels for the petitioners have submitted that both the petitioners are in custody since 7 months and 28 days and the allegation against them was that they had snatched a mobile phone from the complainant. They further submitted that the investigation of the case has already been completed and thereafter, even the complainant has been examined who has not supported the prosecution version and has been declared hostile. They further submitted that both the petitioners have clean antecedents and are not involved in any other case and the trial of the case may take long time and therefore, considering the aforesaid facts and circumstances, the petitioners may be considered for the grant of regular bail.

On the other hand, Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab has submitted that it is correct that the petitioners are in custody for 7 months and 28 days and the complainant has already been examined who has not supported the prosecution version and the subject matter of the present case is pertaining to theft of one mobile phone only. He further submitted that it is also correct that the petitioners are not involved in any other case.

I have heard the learned counsel for the parties.

The investigation of the case has already been completed and even the complainant has been examined who has not supported the prosecution version as per the learned counsels for the parties. The subject

matter of the present case is pertaining to theft of one mobile phone. At the time of arguments the learned counsels for the petitioners have also stated that even otherwise the matter has been compromised with the complainant and have also annexed Annexure P-3 in this regard.

In view of the aforesaid facts and circumstances especially considering the fact that the material witness i.e the complainant has already been examined and trial of the case may take long time coupled with the fact that the petitioners are not stated to be involved in any other case, both the petitioners deserve the concession of regular bail.

Consequently, both the petitions are allowed. Both the petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned 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 for the purpose of deciding the present petitions only.

07.09.2022

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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