

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

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CRM-M-9781-2022 (O&M)

Date of Decision: 08.07.2022

MANOJ KUMAR @ BADDU @ BADAL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Deepak Kundu, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Siddharth Gupta, Advocate for the complainant.

HARNARESH SINGH GILL, J.(Oral)

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

Status report by way of an affidavit dated 23.05.2022 of the Deputy Superintendent of Police, Sub-Division City, District Hoshiarpur, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that though the petitioner was named in the FIR, yet the fact remains that nothing was recovered from the petitioner and 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. He further submits that the petitioner has been in custody since 16.11.2021 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 and that recovery of a motorcycle had already been effected. 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 16.11.2021. 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*