

217

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

**CRM-M-16567-2022 (O&M)
Date of Decision: 31.10.2022**

Kuldeep @ Soni

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nayan Jain, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

Mr. Vikram, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-23950-2022

The present application has been filed under Section 482 of the Cr.P.C. for amendment/correction in the head note as well as in the petition.

The learned counsel for the applicant/petitioner has submitted that the Challan against the applicant/petitioner has been filed before the learned trial Court under Sections 201, 34, 341, 397, 379-A, 411 & 506 IPC. He further submitted that Sections 379-A, 201 & 411 IPC were added later on and Section 392 IPC has been replaced by Section 397 IPC.

Notice in the application was issued on 21.07.2022 and the learned State Counsel did not dispute the same.

For the reasons recorded in the application, the same is

allowed. It is ordered that in the head note as well as in the petition Sections 341, 392, 506 & 34 IPC be substituted with Sections 201, 34, 341, 397, 379-A, 411 & 506 IPC.

CRM-M-16567-2022

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.0089 dated 19.02.2022, under Sections 201, 34, 341, 397, 379-A, 411 & 506 IPC, registered at Police Station Pinjore, District Panchkula.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 20.02.2022, which is more than 8 months. He further submitted that it is a case where the allegations pertain to theft of one mobile phone and forcibly taking an amount of Rs.1400/- through Google Pay. He also submitted that the petitioner has been falsely implicated in the present case and he is not having any criminal background and is not a habitual offender and also is not involved in any other case. He further submitted that be that as it may the investigation of the case has already been completed and report under Section 173 Cr.P.C. has also been presented before the competent Court and now no useful purpose will be served in case the custody of the petitioner is continued particularly in view of the fact that now no recovery is to be effected from him.

On the other hand, Mr. Naveen S. Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody since 20.02.2022 and the investigation of the case has already been completed. He further submitted that it is also correct that the petitioner is not involved in

any other case. He has however opposed the grant of regular bail to the petitioner on the ground that it is a case of snatching of one mobile phone and forcibly an amount of Rs.1400/- was transferred through Google Pay.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for more than 8 months and the investigation of the case has already been completed and the report under Section 173 Cr.P.C. has also been presented before the competent Court. As per the learned counsel for the parties, the petitioner is not involved in any other case and is not a habitual offender and no recovery is to be effected from him.

During the course of arguments, Mr. Vikram, Advocate has caused appearance on behalf of the complainant and has stated that in fact a compromise has also been effected between the parties.

In view of the aforesaid position, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

31.10.2022*Bhumika***(JASGURPREET SINGH PURI)****JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |