

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212)

CRM-M-33645-2022

Date of decision: - 05.08.2022

Chirag and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ankur Bansal, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Ruhani Chadha, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioners in FIR No.56 dated 17.04.2022, under Sections 379-B and 34 IPC, registered at Police Station Maqsudan, District Jalandhar (Rural).

Learned counsel for the petitioners has submitted that in the present case, actually an accident had taken place, which has been given the colour of snatching. It is further submitted that the petitioners are in custody since 17.04.2022 and the challan has already been presented and there are total 09 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is also submitted that the

matter has been compromised and the petitioners and the complainant are in the process of filing a petition under Section 482 Cr.C. for quashing of FIR on the basis of compromise. It is argued that the recovery has already been effected from the petitioners and no further recovery is to be effected from them.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that although, there is no other case against petitioner No.2, but there is one other case against petitioner No.1.

Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in “**Maulana Mohd. Amir Rashadi Vs. State of U.P. and another**”, reported as 2012 (2) SCC 382 to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Learned counsel appearing for the complainant has submitted that the matter has been compromised and the complainant has no objection in case the present petition is allowed and the petitioners are

granted the benefit of regular bail and they are in the process of filing a petition under Section 482 Cr.P.C. for quashing of FIR on the basis of compromise.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioners are in custody since 19.04.2022 and the challan has already been presented and there are total 09 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is the case of the petitioners that actually an accident had taken place, which has been given the colour of a criminal offence. It is an admitted case of the petitioners and the complainant that the matter has been compromised and the complainant has no objection in case the present petition is allowed and the parties are in the process of filing a petition under Section 482 Cr.P.C. for quashing of FIR on the basis of compromise.

Keeping in view the abovesaid facts and circumstances as well as the law laid down in **Maulana Mohd. Amir Rashadi's case (supra)**, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to them not being required in any other case.

However, it is made clear that in case, any act is done by the petitioners to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioners.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

August 05, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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