

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

CRM-M-33320-2022 (O&M)
Date of decision: 05.08.2022

Rocky Masih @ Sarmukh Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 124 dated 08.09.2020, registered under Sections 186, 353, 379-B, 427 IPC read with Section 34 IPC, at Police Station Jhander, District Amritsar Rural.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner has not committed any offence of theft of electricity and he has nothing to do with the present case; that all the offences are bailable except the offence under Section 379-B IPC; that a minor scuffle took place and now the matter has been compromised and the penalty amount already stands deposited; that on the basis of the compromise, co-accused, Patras Masih, Prince, Shukar Masih and Tori Masih @ Akash Masih, have been granted the concession of interim anticipatory bail by a Coordinate Bench of this Court vide order dated 06.07.2022 and that the petitioner has been in custody since 03.07.2022. He further submits that there is no other pending or decided case against the

petitioner.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the occurrence, there are specific allegations of theft of electricity and the petitioner along with co-accused have manhandled with the Officials of the Electricity Department and the mobile phone of the official was also broken. However, he does not dispute the custody period of the petitioner and the facts that there is no other case against the petitioner and the matter has been compromised between the parties. He submits that the challan is yet to be presented.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 03.07.2022. The matter has been compromised and the penalty amount stands paid. The challan is yet to be presented. Co-accused, Patras Masih, Prince, Shukar Masih and Tori Masih @ Akash Masih, have already been granted interim anticipatory bail by the Coordinate bench of this Court. Moreover, there is no other case against the petitioner Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

(HARNARESH SINGH GILL)
JUDGE

05.08.2022
Mangal Singh

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