

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34834-2022

Date of Decision: 15.09.2022

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....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.S. Thakur, Advocate, for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Ms. Komal Thakur, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 0147 dated 11.09.2021, under Sections 379-B, 323, 148, 149 IPC , registered at Police Station Sadar Ferozepur, District Ferozepur.

The learned counsel for the petitioner has submitted that the petitioner is in custody for more than 1 year and investigation of the case has been completed and the challan has been presented before the competent Court. He further submitted that the subject matter of the theft in the present case was one mobile phone which was allegedly snatched by the petitioner alongwith other co-accused. He has referred to Annexure P-4 whereby the other co-accused has been granted bail by this Court. He further submitted that in fact the allegations against the petitioner were due to

some misunderstanding and thereafter, the matter has been compromised with the complainant. He further submitted that although there are other cases against the petitioner but most of them pertain to Excise Act. He further submitted that since the petitioner has already faced incarceration for more than 1 year and the subject matter of the theft was only one mobile phone, he may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General Punjab has submitted that it is correct that the petitioner has faced incarceration for more than 1 year and investigation of the case has been completed. However, he has stated that he has no knowledge with regard to compromise between the parties and has opposed the grant of bail to the petitioner on the ground that the petitioner is involved in other cases as well. He further submitted that it is also correct that the subject matter of theft in the present case was one mobile phone.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for more than 1 year and subject matter of theft was one mobile phone as per the learned counsel for the parties. During the course of arguments Ms. Komal Thakur, Advocate has appeared on behalf of the complainant and has stated that it is correct that a compromise has been effected between the parties. She has also referred to Annexure P-4 whereby the other co-accused was granted bail and in that order also it has been incorporated that a compromise has been effected between the parties. Since the investigation of the case is already complete, no further recovery is to be effected from the petitioner. The mere fact that the petitioner is involved in some more cases especially under the

Excise Act cannot become a ground for denial of bail to the petitioner.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner 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 petition only.

15.09.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No