

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(220)

CRM-M-46509-2022

Date of decision: - 14.10.2022

Adit @ Giri @ Adit Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Dinesh Nagar, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the second bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.351 dated 29.12.2021, registered under Sections 379-B IPC (Sections 411, 392 and 201 read with Section 34 IPC have been added later on), at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 29.12.2021 and the petitioner had earlier filed a regular bail petition which was dismissed as withdrawn, vide order dated 10.05.2022 passed in CRM-M-10845-2022 with liberty to file a fresh petition after the complainant is examined. It is further submitted that the complainant has now been examined on 06.09.2022 and the petitioner has suffered further incarceration for a period of more than five months. It is also submitted that there are 13 prosecution

witnesses, out of whom, one has been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is contended that in the present case, no injury has been caused to any person and that co-accused of the petitioner, namely, Manoj Kumar has already been granted the concession of regular bail, vide order dated 18.05.2022 passed in CRM-M-20318-2022. It is stated that out of an amount of Rs.11,700/-, an amount of Rs.3,000/- has already been recovered from the present petitioner. It is further stated that the petitioner is also ready to pay further an amount of Rs.5,000/- to the complainant without admitting his liability.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the present petitioner along with his other co-accused had snatched the complainant's wallet, which contained Rs.11,700/- and thus, does not deserve the concession of bail.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The petitioner has been in custody since 29.12.2021 and the earlier regular bail petition filed by the petitioner bearing CRM-M-10845-2022 was dismissed as withdrawn, vide order dated 10.05.2022 with liberty to file a fresh petition after the complainant had been examined. It is the case of the petitioner that the complainant has now been examined on 06.09.2022 and there are 13 prosecution witnesses, out of whom, only one has been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. In the present

case, no injury has been caused to any person. Moreover, co-accused of the petitioner, namely, Manoj Kumar, has already been granted the concession of regular bail, vide order dated 18.05.2022, passed in CRM-M-20318-2022.

Keeping in view the above-said facts and circumstances, 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 concerned trial Court/ Duty Magistrate and subject to him not being required in any other case and also subject to the petitioner depositing an amount of Rs.5,000/- within a period of one month from today before the trial Court and the trial Court is directed to release the said amount of Rs.5,000/- to the complainant.

It is made clear that in case the above-said amount is not deposited by the petitioner within the aforesaid period, the present petition would be deemed to have been dismissed.

It is also made clear that the deposit of the said amount would not be construed as an admission of guilt of the petitioner.

However, 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.

October 14, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No