

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

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1. CRM-M-46108-2022

Gurwinder Singh @ Guri

-----Petitioner

Versus

State of Punjab

..Respondent

2. CRM-M-46101-2022

Gurpreet Singh

-----Petitioner

Versus

State of Punjab

..Respondent

Date of Decision: November 29, 2022

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gaurav Datta, Advocate
for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Vaibhav Bhargav, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

Both petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners and are being taken up together for final disposal with the consent of the learned counsel for the petitioners, since both the petitions arise out of the same FIR bearing No.57 dated 23.06.2022, under Sections 379-B IPC, 1860 (Section 411 IPC added later on) registered at Police Station City Morinda, District Rupnagar.

Learned counsel for the petitioners have submitted that both the petitioners are in custody for about 6 months and after completion of the investigation, the challan has been presented before the competent Court. He has further submitted that it is a case where due to some misunderstanding, the present FIR was lodged by the complainant and in fact the matter has now been amicably settled between the parties and compromise has been effected. He has further submitted that subject matter of the present case pertains to theft of a mobile phone, however, a compromise has been effected since the mis-understanding stands removed. He has further submitted that the petitioners are not habitual offender and are not involved in any other case and one of the other similarly situated co-accused, namely, Bhawanpreet Singh, who is at parity with the present petitioners, has been granted bail by this Court in CRM-M-42713-2022 on 21.09.2022 (Annexure P-3).

On the other hand, Mr. Vinayak, learned AAG, Punjab has submitted that it is correct that the petitioners have faced incarceration for about 6 months and the other person, namely, Bhawanpreet Singh, who is at parity with the petitioners, has been granted bail by this Court. He has, however, submitted that he has no knowledge with regard to the compromise arrived at between the parties.

Mr. Vaibhav Bhargav, Advocate has caused appearance on behalf of the complainant and has filed his power of attorney, which is taken on record. He has stated on specific instructions from the complainant that a compromise has been effected between the parties and the FIR was got lodged out of some mis-understanding.

I have heard learned counsel for the parties.

Both the petitioners have faced the incarceration for about 6 months and are not involved in any other case. The investigation of the case has been completed and the challan has been presented. As per learned counsel for the petitioners, the compromise has been effected between the parties and the same has not been disputed by learned counsel for the complainant.

In view of the aforesaid facts and circumstances, the present petition is allowed. Both the petitioners shall be released on bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/duty Magistrate concerned.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

29.11.2022
Atul

Whether speaking/ reasoned	-	Yes/No
Whether reportable	-	Yes/No