

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(246)

CRM-M-50258-2022

Date of decision: - 29.11.2022

Balwant Ram

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Karanjeet Singh Brar, Advocate, for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.132 dated 09.09.2022, registered under Section 420 IPC, at Police Station Gidderbaha, District Sri Muktsar Sahib.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 10.09.2022 and the investigation and the trial is likely to take time and that the petitioner is not involved in any other case. It is further submitted that in the present case, the alleged incident had taken place on 19.07.2022 and the complaint on the basis of which the FIR had been registered, had been given on 09.09.2022 i.e., after a delay of more than 1 month and 20 days. It is further submitted that as per the FIR, the complainant had carried out the investigation

himself and thereafter, had named the present petitioner and co-accused and had not given the details of the said investigation on the basis of which he had found out the involvement of the petitioner is the alleged offence. It is further submitted that even as per the FIR, it is the case of the complainant that he himself gave his ATM card to the present petitioner and the total loss caused to the complainant as per the FIR is of Rs.49,000/-. It is submitted that the present case is triable by Magistrate.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that on account of the acts of the petitioner and co-accused, a loss of Rs.49,000/- has been caused to the complainant.

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

Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has been in custody since 10.09.2022 and the investigation and the presentation of the challan is likely to take time and the petitioner is stated to be not involved in any other case and there was a delay of 1 month and 20 days in registration of the FIR, inasmuch as, the incident is of 19.07.2022, whereas, the present FIR has been registered on 09.09.2022 and that the case is triable by the Magistrate, 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.

However, it is made clear that in case, any act is done by the

petitioner 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 petitioner.

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.

November 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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