

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-24581-2023 (O&M)

Date of decision : 25.07.2023

Jeeto and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Satnam Singh Gill, Advocate
for the petitioners.

Mr.Rohit Bansal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioners in FIR no.243 dated 06.11.2021 registered under Sections 379-B, 34, 201 IPC at Police Station Rama Mandi, Jalandhar, District Jalandhar.

2. Learned counsel for the petitioners has submitted that the petitioners have been in custody since 09.05.2022 and the investigation is complete and the challan has already been presented and there are 10 witnesses, out of which, none have been examined and thus, the trial is likely to take time. It is further submitted that earlier bail application of the petitioners was dismissed as withdrawn at that stage on 24.11.2022 and after the same, the matter has been compromised vide compromise deed dated 07.12.2022 with the complainant and the complainant has submitted that he has no objection in case the FIR is quashed by this Court and the petitioners are acquitted. It is stated that the petitioners had even filed a

petition under Section 482 Cr.P.C. for quashing of the FIR, i.e. CRM-M-59885-2022 and in the said case the complainant had appeared and had given his statement in support of the compromise. It is further stated that in view of the above said facts and circumstances, no purpose would be served by keeping the petitioners in further incarceration.

3. Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioners are involved in several other cases and are habitual offenders and thus, the petitioners do not deserve the concession of regular bail.

4. Learned counsel for the petitioners, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

5. Keeping in view the above said facts and circumstances moreso, the fact that the petitioners have been in custody since 09.05.2022 and the investigation is complete and the challan has already been presented and there are 10 witnesses, out of which, none have been examined and

the petitioners, the compromise has been effected and even petition under Section 482 Cr.P.C. for quashing of the FIR has been filed and in the said case, the complainant had given a statement in support of the compromise stating that he has no objection if the FIR is quashed or the petitioners are acquitted and in view of the law laid down in *Maulana's* case, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to them not being required in any other case.

6. 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.

7. Pending miscellaneous application, if any, shall stand disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

July 25, 2023
Davinder Kumar

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