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2023:PHHC:075656

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

CRM-M-25351-2023

DECIDED ON: 24th MAY, 2023

NAMIT SHARMA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Lakshay Bector, Advocate, for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 296, dated 25.09.2021, under Sections 323, 324, 341, 506, 148, 149 IPC (Sections 325 and 326 IPC added later on), registered at Police Station Division No. 8, District Ludhiana.

2. Learned counsel for the petitioner has placed reliance upon the order dated 05.01.2023 passed in CRM-M-57903-2022 whereby, the co-accused of the petitioner namely Kunal Sharma @ Cambi has been granted the concession of regular bail by this Court while observing that a compromise has been effected between the parties.

3. Custody certificate filed by learned State counsel is taken on record. According to which the petitioner has suffered incarceration for a period of 3 months and 21 days as of now. He opposes the prayer made in the present petition on the ground that the petitioner is involved in numerous other cases and is a habitual offender.

4. At this stage, Mr. Saurav Kanojia, Advocate has put in appearance on

behalf of the complainant and filed his power of attorney, which is taken on record. He does not dispute the factum of compromise and submits that he has no objection in case the petitioner is enlarged on regular bail.

5. As far as the pendency of other cases is concerned this Court has already observed that pendency of other cases qua the accused cannot be a predicament or bar to release him on bail in the instant case, as the evidence or incriminating material on the basis of which he is nominated as an accused in the other FIR cannot be read as a material evidence in the instance case and is to be adjudicated on the basis of evidence in that particular case, as has been observed by this Court in the case of **Baljinder Singh @ Rock vs. State of Punjab;** CRM-M-25914-2022, decided on 02.03.2023.

4. Considering the afore-said facts and circumstances and the fact that a compromise has been effected between the parties and there is every likelihood of the acquittal of the petitioner added with the fact that the co-accused of the petitioner has already been released on regular bail, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an uncertain period. The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

5. The present petition is allowed in view of afore-said terms.

6. However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

24th MAY, 2023
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(SANDEEP MOUDGIL)
JUDGE

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