

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

(210)

CRM-M-26008 of 2023
DATE OF DECISION:-26.05.2023

Rashid Ahmed

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Munish Puri, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.005 dated 08.04.2023 under Sections 379, 34 IPC (Sections 379-B, 506, 411 IPC added lateron) registered at Police Station Dhar Kalan, District Pathankot.

(2) As per allegations against the petitioner, he along with his other accomplices took away sheep and goats of complainant in a vehicle i.e. Bolaro PIK UP.

(3) Learned counsel for the petitioner submits that petitioner has already remained in custody for almost one month now and his co-accused has been granted concession of anticipatory bail by this Court vide order dated 11.05.2023 passed in CRM-M-23861-2023, besides, the petitioner also volunteers to compensate the complainant.

(4) On the other hand, learned State counsel vehemently opposes the prayer made herein while submitting that petitioner along with his co-accused have forcibly taken away sheep and goats of the complainant.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) In the present case, petitioner has remained in custody for the past one month and he is the first offender and there is no other case pending against him, besides, his co-accused namely Sokat Ali alias Salamu has already been granted concession of interim anticipatory bail by this Court vide order dated 11.05.2023 passed in CRM-M-23861-2023 followed by the fact that out of 17 cattles, 14 have even been recovered and petitioner is voluntarily ready to deposit Rs.20,000/- so as to compensate the complainant as well, I do not see any reason to extend the incarceration of the petitioner any further, thus, the petitioner deserves the concession of regular bail.

(7) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. Petitioner shall deposit Rs.20,000/- as offered by him with the trial Court at the time of his release on bail which shall be transferred/paid in favour of complainant on verification.

26.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No