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

CRM-M-31822-2023

Date of decision : 10.08.2023

**Harpreet Singh @ Happy****.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ****\*\*\***

Present :- Mr. Rahul Bhargava, Advocate  
for the petitioner.

Mr. Arun William, AAG, Punjab.

Ms. Aarti Kaur, Advocate  
for the complainant.

**\*\*\*****RAJESH BHARDWAJ, J. (Oral)**

This is the second petition praying for grant of regular bail to the petitioner in case FIR No.0007 dated 16.01.2023 under Sections 379-B, 34 of IPC, registered at Police Station Maqboolpura, District Police Commissionerate Amritsar, Punjab.

Adumbrated facts of the case are that the complaint was lodged by Sandeep Kumar wherein it was alleged that on the night of 13.01.2023 when he was returning home, three persons intercepted him who were following him on their motorcycle bearing No.PB02-BY-2259 make HF CD to DELUXE. Later on, he came to know that Harpreet Singh @ Happy, Dilraj Singh @ Nikka and Princepal Singh @ Prince were those persons who colluded and snatched his mobile phone. Request was made to take legal action against the culprits. On the complaint, formal FIR was registered and investigation commenced. During investigation, petitioner

was arrested on 19.01.2023. He approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of bail. However, after hearing counsel for both the sides, learned Additional Sessions Judge declined the same vide his order dated 17.02.2023. Against the same, the petitioner approached this Court by way of filing CRM-M-13759-2023, however, it was allowed to be dismissed as not pressed vide order dated 23.03.2023. Thereafter, he approached again to the learned Additional Sessions Judge praying for grant of regular bail. However, learned Additional Sessions Judge, declined the same vide his order dated 17.05.2023. Hence the petitioner has approached this Court again by way of filing this second petition.

It has been vehemently contended by counsel for the petitioner that the petitioner was falsely implicated in this case. He submits that the investigation is already complete and now the complainant and petitioner have also settled their dispute amicably. He submits that petitioner has already filed the petition bearing CRM-M-31180-2023 for quashing of FIR on the basis of amicable settlement in which this Court issued notice and the parties were directed to record their statements. They appeared before the Magistrate and recorded their statements as well. He has submitted that in the facts and circumstances of the case, when the petitioner has no criminal antecedents and thus, he deserves to be granted regular bail.

Learned counsel for the complainant has endorsed the submissions made by counsel for the petitioner. She submits that the parties have settled the dispute amicably and before the Magistrate, statement of the parties have also been recorded.

Learned State counsel however, has opposed the submissions made by counsel for the petitioner. He submits that there are specific

allegations against the petitioner and the compromise arrived at between them would have no legal sanctity. He has submitted that as per instructions, petitioner has no criminal antecedents and the investigation in this case is complete, challan has been presented however, charges are yet to be framed.

I have heard counsel for the parties and perused the record.

Evidently, petitioner is behind bars since 19.01.2023. There is nothing on record to show that the petitioner has any criminal antecedents. As submitted before this Court, petition for quashing of the FIR on the basis of compromise has also been filed in which statements of the parties have also been recorded by both the sides.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10.08.2023  
m. sharma

( RAJESH BHARDWAJ )  
JUDGE

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