

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

CRM-M No.31933 of 2023
Date of decision: 25th July, 2023

Kirpal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S. Bhatia, Advocate for the petitioner.

Mr. H.S. Sitta, Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.171 dated 20.07.2019 under Sections 379-B IPC registered at Police Station Islamabad, District Amritsar.

2. Learned counsel for the petitioner inter alia submits that the petitioner as well as complainant are co-villagers and it was on account of some misunderstanding that the FIR in question came to be registered, wherein it was alleged that the petitioner had snatched the gold chain worn by the complainant. He submits that subsequently, the misunderstanding was removed and the parties had effected an amicable settlement and thereafter, had approached this Court by way of CRM-M No.46475 of 2019 for quashing of the FIR in question.

However, a condition had been imposed by this Court that an amount

of ₹ 20,000/- would be paid in PGIMER, Chandigarh and a welfare centre at Gurugram, however, since the petitioner was unable to abide by the directions given by this Court, the aforementioned CRM petition was dismissed as withdrawn. Learned counsel submits that thereafter the petitioner was arrested on 25.04.2023 and after completion of investigation, challan also stands presented on 24.06.2023. He submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose and hence, he be enlarged on bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute the submissions made by the counsel opposite that a compromise had been effected between the parties and it was only on account of the fact that the petitioner was unable to deposit amount in the sum of ₹ 20,000/- as ordered by this Court, the above said petition was dismissed. He, on instructions, has not been able to dispute that investigation is complete and challan stands presented. Learned State counsel, further submits that as many as 13 prosecution witnesses have been cited by the prosecution. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he on instructions, replied in the negative.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 25.04.2023 and there is no likelihood of the trial concluding in the near future. In

the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 25, 2023
rps

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