

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

224

CRM-M-38054 of 2023

Date of Decision:09.08.2023

Mintu and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioners.

Mr. Harsimar Singh Sitta, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to both the petitioner in FIR No.27 dated 05.04.2023, under Section 379-B and 411, 34 of the IPC, registered at Police Station Hajipur, District Hoshiarpur.

2. Learned counsel for the petitioners submitted that it is a case where both the petitioners have been falsely implicated in the present case in view of the fact that earlier they were involved in some other cases pertaining to theft. He submitted that even as per the allegations, the complainant lodged the FIR after a period of 1½ months of the incident and by alleging that when he was coming on a motorcycle then an amount of Rs.30,000/- was snatched from him. He submitted that the FIR is based upon a concocted story and even otherwise also the subject

matter of the theft is only Rs.30,000/- and there is no justification for delay of 1½ months. He submitted that now the investigation of the present case has already been completed and the final report under Section 173 of the Code of Criminal Procedure has been presented to the competent Court. He submitted that the trial of the case may take long time, therefore, both the petitioners may be considered for the grant of regular bail.

3. On the other hand, Mr. Harsimar Singh Sitta, learned DAG, Punjab has stated that it is correct that there was a delay of 1½ months in lodging the FIR and the subject matter of the theft is only Rs.30,000/-. He has however opposed the grant of bail to the petitioners on the ground that both the petitioners are involved in some other cases pertaining to the similar offences.

4. I have heard learned counsel for the parties.

5. It is a case where the total subject matter of theft is only Rs.30,000/-. The investigation of the case has already been completed and the report under Section 173 of the Code of Criminal Procedure has been presented to the competent Court. The FIR was lodged after a period of 1½ months. The mere fact that the petitioners are involved in number of other cases itself cannot become a ground for denial of bail to both the petitioners unless other facts are shown by learned State counsel to justify the denial of bail. This Court is of the view that considering the subject matter of the theft which is only Rs.30,000/- and considering the fact that there was a delay of 1½ months in lodging of the FIR and the investigation of the case has already been completed, both the petitioners deserve the concession of regular bail. Consequently, the present petition is allowed. The petitioners shall be released on regular bail, if not required in any

other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

August 09, 2023

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No