

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41822-2023

Date of Decision: 4.10.2023

Nishan Singh @ Ajay

....Petitioner

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Vinay Kumar Gupta, AAG, Punjab.

Mr. Rohit, Advocate, for respondent No.2.

KARAMJIT SINGH, J.

Prayer in the present 2nd petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.20 dated 24.2.2023 registered for the offences punishable under Sections 379-B (2), 201, 34 IPC at Police Station Khilchian, District Amritsar.

2. Brief facts of the case are that complainant-Harjit Singh reported to the police that on 23.2.2023 at about 7:55 p.m., he was coming back to his village on motorcycle No.PB46-Y-1646 and on the way, 3 young boys riding on a motorcycle intercepted him and snatched his VIVO mobile phone, ₹ 4000/- and ATM of HDFC Bank and then the said miscreants sped away from there and later on, the complainant came to know that the said snatching was committed by the present petitioner along

with Prince Pal Singh @ Prince and Harman Singh @ Jhanda. During

investigation of the case, the petitioner was arrested on 24.2.2023.

3. Counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case and is in custody since 24.2.2023 and is having no criminal history and that now compromise has been effected with the complainant and compromise quashing petition No.CRM-M-43593-2023 is already filed wherein statements of the parties are recorded by the learned trial Court. Counsel for the petitioner further submits that in the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

4. Mr. Rohit, Advocate, who is appearing on behalf of the complainant, has not disputed the factum of compromise which stands effected between the parties. Counsel has also admitted the fact regarding filing of compromise quashing petition and recording of statements of the parties by the learned trial Court with regard to compromise.

5. Short reply filed by way of affidavit of Sukhwinder Pal Singh, DSP, Sub Division, Baba Bakala Sahib, Amritsar (Rural) on behalf of the State is ordered to be taken on record. State counsel while opposing the present petition submits that the petitioner is named in the FIR and serious allegations are appearing on record. However, the State counsel on instructions from ASI Rajwinder Singh has not disputed the fact that the petitioner was arrested on 24.2.2023 and thereafter, one datar was recovered from his possession.

6. I have considered the submissions made by the counsel for the parties.

7. Admittedly, no snatched article was recovered from possession of the petitioner who is in custody since 24.2.2023. Further, it appears that

now the matter stands compromised between the parties. In the given circumstances, no fruitful purpose is going to be served by prolonging the judicial custody of the petitioner.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

October 4, 2023
Paritosh Kumar

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