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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52113-2023 (O&M)

Date of Decision: 23.11.2023

Sumit Kumar

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H.P.S. Ghuman, Advocate, for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 66 dated 20.05.2023, under Section 379-B, 458, 341, 323, 324, 506, 148 and 149 IPC, registered at Police Station Kotwali Nabha, Tehsil Nabha, District Patiala.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody from 25.08.2023 and investigation of the case has been completed and thereafter challan has been presented on 23.10.2023 and now no further recovery is to be effected from the petitioner. He further submitted that the petitioner has been falsely implicated in the present case in view of the fact that there was an earlier FIR which was lodged against the petitioner at the instance of one serving

police Constable namely, Anil Kumar and in that case the provisions of Section 307 IPC were invoked but during investigation it was found that the offence under Section 307 IPC was not made out and it was deleted and it was only for taking revenge that the present FIR was lodged and even otherwise also the total subject matter of the present case is Rs. 8500/- and it was only because of the *mala fide* that the name of the petitioner has been nominated in the present case. He further submitted that the trial of the case may take long time and considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab has submitted that it is correct that the petitioner is in custody from 25.08.2023 and investigation of the case has been completed and thereafter challan has been presented on 23.10.2023 and the subject matter of the theft is only Rs. 8500/-. He has however submitted that since the petitioner is involved in three more cases, he is not entitled for the grant of regular bail.

4. I have heard the learned counsel for the parties.

5. During the course of arguments, the learned counsel for the petitioner brought to the notice of the Court Annexure P-3 whereby when he filed a bail petition in the other case in which Section 307 IPC was invoked but the same was deleted and the petition was disposed of with a liberty to approach the trial Court for grant of bail since remaining offences were bailable in nature. He submitted that the aforesaid FIR regarding which reference has been made to the aforesaid Annexure P-3, the same was lodged at the instance of one serving police Constable and he was instrumental in getting the present FIR lodged against the petitioner by falsely implicating him. Even otherwise also the subject matter of the present

theft is only Rs. 8500/-. The pendency of the other cases against the petitioner cannot become a ground for denial of bail to the petitioner.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

23.11.2023
rakesh

Whether speaking :

Whether reportable :

(JASGURPREET SINGH PURI)

JUDGE