

(225)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55735-2022
Date of Decision: 13.02.2023

VISHAL @ KATTU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Ms. Navreet Kaur Barnala, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.194 dated 21.08.2021 registered under Sections 379-B, 411, 468, 471, 120-B, 149 IPC at Police Station Cantonment Amritsar.

2. The present FIR came to be registered at the instance of Dr. Praveen Devgan son of Sh. Ved Parkash who stated that on 20.08.2021 at about 11.15 PM, while he and his son Satwik were roaming in their Verna car bearing No.PB85-0021 black colour, suddenly, unidentified persons came on a Splendor motorcycle from the back and fled away after snatching the car.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. Nothing incriminating has been recovered from him. In fact, his name has been mentioned in the disclosure statements of co-accused Manmohit Deep Singh and Sky Love Masih. A

compromise has already been arrived at between the complainant on the one hand and the co-accused Manmohit Deep Singh and Sky Love Masih on the other. The recovery of the vehicle has also been effected from them. A quashing on the basis of a compromise has also been filed before this Court bearing No.3173-2022 which is pending adjudication for 21.02.2023. Since the petitioner was in custody since 22.08.2021, none of the 16 prosecution witnesses had been examined so far and he had been granted the concession of bail in the three other cases registered against him, he was entitled to the similar relief in this case as well.

4. On the other hand, the learned State counsel contends that the nature of the allegations did not entitle the petitioner to the grant of regular bail. He, however, does not dispute the factual narration of a quashing on the basis of compromise having been filed, the period of custody undergone by the petitioner as also the stage of Trial.

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

6. Admittedly, the petitioner has been named in the disclosure statement of his co-accused who have effected a settlement with the complainant. There are three other cases pending against the petitioner. He has been granted the concession of bail in each of those cases. The copy of the said orders are marked as A, B & C. The petitioner has been in custody since 22.08.2021. None of the 16 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In such a situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Vishal @ Kattu son of Nirmal Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.02.2023

JITESH

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