

He further contends that neither the mobile phone of the petitioner was used nor any amount was transferred in the account of the petitioner and he is in custody since 12.10.2023. He further submits that even during the course of proceedings a compromise (Annexure P-4) has been effected between the complainant and the petitioner on 20.10.2023 and there is no other criminal case pending against the petitioner and hence he prays for grant of concession of bail to the petitioner.

3. Learned State counsel has furnished the custody certificate dated 23.11.2023 showing the petitioner is in custody for last 1 month 5 days and there is no other case pending against the petitioner nor the phone of the petitioner has been used for making any regular call.

4. After considering the rival contentions and perusing the record it transpires that the petitioner has been booked in the aforesaid FIR on the basis of the fact that the mobile phone number owned by him has been used in the crime for making Whatsapp call. However, it is not disputed that no regular call from his mobile number has been made nor any amount transferred in the account of the petitioner. The factum of compromise (Annexure P-4) has already been recorded in the order dated 06.11.2023 passed by a learned Additional Sessions Judge, Chandigarh wherein it has been specifically mentioned that the complainant of the case Rohan Goyal has himself appeared in the Court and admitted the factum of this compromise, besides pleaded no objection, if the bail is granted to the petitioner.

5. Admittedly, the petitioner is in custody since 12.10.2023. The

matter is still at investigation stage and it will take time for completion of the investigation and only after conclusion of trial criminal liability on the petitioner would be ascertained which may take sufficient long time.

6. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping him behind the bars in a case which is triable by the Court of Magistrate. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

23.11.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No