

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.993-2024 (O&M)
Date of Decision: 20.02.2024

Gagandeep Singh
..... Petitioner

Versus

State of Punjab and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU
Present:- Mr. Deepak Kumar, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG., Punjab.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No. 0047 dated 02.05.2023, under Sections 379B (2), 458, 323 read with Section 34 of Indian Penal Code (Sections 397, 324, 326, 342, 411, 120B of Indian Penal Code added later on), registered at Police Station Phase 11, District SAS Nagar, Mohali.

(2) Allegations are that petitioner along with other co-accused, trespassed into the house of complainant-Radha Rani; snatched the gold chain, gold earrings; and inflicted injuries to her.

(3) Contends that petitioner is in custody since 02.05.2023 and there is no other criminal case pending against petitioner. Also contends that similarly placed co-accused-Roshan Singh has been granted concession of bail pending trial by this Court on the premise that matter has been amicably settled between the parties i.e. petitioner and complainant. Further contends that respondent No. 2 has settled the matter with all the accused persons including the petitioner and refers to copy of mutual agreement dated 05.12.2023 (P-2).

- (4) Learned State counsel on instructions from ASI-Harneek Singh is not able to dispute the above factual position.
- (5) Heard both sides and perused the paper-book.
- (6) Petitioner is in custody since 02.05.2023; co-accused-Roshan Singh has been granted concession of bail pending trial by this Court vide order dated 16.02.2024 and the matter has been amicably settled. In such a scenario, no useful purpose would be served by keeping the petitioner in custody.
- (7) Therefore, present petition is allowed; petitioner is ordered to be released on bail pending trial in the present case on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.
- (8) However, it is clarified that petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
- (9) The above observations may not be construed as an expression of opinion on the merits of the case.
- (10) It is also clarified that in case there is any misuse of concession on the part of petitioner, the State would be at liberty to move an appropriate application for recalling of this order.
- (11) Pending application(s), if any, shall also stand disposed off.

20.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No