

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

232

2024:PHHC:009028
CRM-M-2456-2024 (O&M)
Date of decision: January 23, 2024

AMRITPAL SINGH
...Petitioner

Versus

STATE OF PUNJAB
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. At the outset, on oral request of the learned counsel for the petitioner, Section 201 of the IPC is ordered to be added in the head note and the prayer clause. The Registry is directed to do the needful.

2. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.99 dated 25.06.2022 (Annexure P-1) under Sections 379-B of the Indian Penal Code, 1860 (Section 34 IPC added during investigation) and Section 201 IPC, registered at Police Station Majitha, District Amritsar (Rural).

2. Learned counsel for the petitioner *inter alia* contends that a highly unbelievable version has been brought forth in the FIR in question, which has been annexed as Annexure P-1. While drawing the attention of this Court to the allegations levelled in the FIR, it has been submitted that as per allegations, on 19.06.2022, when the complainant was going on his Acura, the petitioner along

with two others, came on the spot, snatched his Acura and thereafter, drove away from the spot. Learned counsel has further submitted that the delay of about 6 days in the registration of the FIR clearly hinted towards his innocence. Learned counsel has vehemently argued that since the complainant was well-acquainted with the alleged assailants, it could not be digested as to why the complainant would have chosen to keep quiet for 6 days to lodge the FIR in question. It has been further submitted that on being arrested on 04.08.2023, no recovery, much less of the stolen Acura, was effected from the petitioner.

3. *Per contra*, learned State counsel, on instructions, has not been able to dispute the delay of about 6 days in the lodging of the FIR in question even though the parties were well-acquainted with each other. It has also not been disputed that no recovery, much less of the stolen Acura was effected from him. On further instructions, learned State counsel has informed the Court that the petitioner has clean antecedents and is not involved in any other criminal case. *Qua* the stage of trial, learned counsel has submitted that investigation in the case in hand is complete as challan stands presented; the next date before the trial Court is 01.02.2024, when the charges are likely to be framed.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. The petitioner has been in custody since 04.08.2023. There is no likelihood of the trial concluding in near future as even charges have not been framed till date.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. The

petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to the petitioner.

January 23, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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