

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-6843-2024

Date of decision: 01.05.2024

Gurpreet Singh @ Gora

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Vir Singh Behl, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.687 dated 23.12.2023 under Sections 379 b(2) and 34 of the IPC registered at Police Station Division No.7, Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case. It has been further submitted that it was on the basis of a some misguided suspicion, the allegations against the petitioner had been levelled in the FIR in question, which had since been removed and a compromise has also been effected between the parties. Learned counsel has submitted that identically placed co-accused Manveer Singh @ Mani had been extended the concession of bail by a Coordinate Bench of this Court vide order dated 09.04.2024 on the ground that the parties had arrived at an amicable settlement. Learned counsel has still further submitted

that very shortly the parties would be approaching this Court under Section 482 of the Cr.P.C. for quashing of the FIR in question.

3. On a pointed query put to the learned counsel for the petitioner as to whether the petitioner is involved in any other criminal case, he has submitted that in the year 2021, one criminal case under Sections 379-B, 451, 323, 411, 34 of the IPC had indeed been registered against him, however, it is a matter of record that he had since been acquitted in the said case; no criminal case other than the present one was pending against him.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Malkeet Singh, has informed the Court that the registration number of the auto rickshaw in which the petitioner was travelling was noted down by the complainant, who then informed the police leading to the petitioner being nabbed at a police naka. Learned State counsel has, however, not disputed that the investigation in the case at hand is complete as challan stands presented. It has been submitted by learned State counsel that the case is now fixed for framing of charges for 14.05.2024. Learned State counsel has also not disputed that identically placed co-accused Manveer Singh @ Mani has since been enlarged on bail. However, learned State counsel on instructions has feigned ignorance about the compromise so arrived at between the parties.

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

6. The petitioner has been in custody since 23.12.2023; final

report under Section 173 of the Cr.P.C. already stands presented. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

01.05.2024

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(MANJARI NEHRU KAUL)
JUDGE

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