

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

**CRM-M No.7823-2024 (O&M)
Date of Decision: 20.02.2024**

Rajwant Singh

..... Petitioner

Versus

State of U.T., Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. S.P.S. Sidhu, Advocate for the petitioner.

Mr. Manish Bansal, Public Prosecutor with
Mr. Ankush Singla, Advocate assisted by SI-Yashpal Singh
for the U.T.Chandigarh.

Mr. Vardaan Sharma, Advocate with
Mr. M.S. Johal, Advocate for respondent No. 2.

MAHABIR SINGH SINDHU, J.

Present 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. 427 dated 17.11.2023, under Sections 448, 380, 454, 420, 467, 468, 471, 120B of Indian Penal Code, registered at Police Station, Sector-36, Chandigarh.

(2) Allegations are that petitioner in connivance with co-accused hatched a criminal conspiracy and prepared forged and fabricated documents, to grab the house of complainant.

(3) Contends that petitioner has not been named in the present FIR; dispute between the parties is civil in nature and petitioner is not the beneficiary of the same. Further contends that two of the co-accused namely Vipin Kumar

Rai & Sushma Rai have been granted the concession of pre-arrest bail by learned Additional Sessions Judge, on 12.12.2023 and, moreover, the matter has been amicably settled between the parties i.e. petitioner and respondent No. 2. Learned counsel for the petitioner has also produced the certified copy of statement dated 29.01.2024 recorded by learned Judicial Magistrate First Class, Chandigarh, which is taken on record and marked as 'X'. Specifically contended that there is no other criminal case pending against the petitioner.

(4) Learned counsel for U.T. Chandigarh after obtaining instructions from SI-Yashpal Singh is not able to dispute the above factual position.

(5) Mr. Vardaan Sharma, Advocate has appeared on behalf of respondent No. 2 and acknowledged the factum of compromise between the parties.

(6) Heard both sides and perused the paper-book.

(7) Petitioner is in custody since 13.01.2024; he is not involved in any other criminal case and the matter has been amicably settled between the parties i.e. petitioner and respondent No. 2. In such a scenario, no useful purpose would be served by keeping the petitioner in custody any further.

(8) As a result thereof, 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.

(9) However, it is clarified that petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

(10) The above observations may not be construed as an expression of opinion on the merits of the case.

(11) 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.

(12) 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