

CRM-M-11379-2024
(232)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11379-2024 (O & M)
Date of decision: 11.03.2024

Vishu @ Vishu Bhatti @ Kaka
.... Petitioner
V/s
State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioner.
Mr. Deepinder Singh Brar, Sr. DAG, Punjab.
Ms. Nandini Sharma, Advocate,
for Mr. Chetan Bansal, Advocate,
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.141 dated 13.07.2023 under Sections 379-B(2), 323, 341, 148 and 149 IPC registered at Police Station Gate Hakima, District Police Commissionerate, Amritsar.

2. The present FIR came to be registered at the statement of Gagandeep Singh and reads as under:-

“Statement of Gagandeep Singh son of Balram Singh resident of H.No. 249 Street No.06 Tower RO Court Khalsa, Amritsar aged 27 years M/No.8566822582. Stated that I am a resident of above stated address. I work as a peon at District Majitha. My wife was admitted in Dhruv Hospital Gopal Nagar Majitha Road. On 12/13-7-2023 around 3:00 AM I along with my friend Ashu and Shubham son of Puran Kumar and resident of Toki

Wali Street, Ram Tirth Road was going back to my house from Hospital on my Aactiva, Ashu was riding the Aactiva. When we reached near Railway Workshop Chehhrata, suddenly 10/12 unknown persons came on 5/6 vehicles, stopped us start giving us beating. One of them hit my head with the datar and took out Rs. 35,000/- from my pocket and snatched mobile phone Samsung with Sim No.9878564746. They gave us beating and also snatched our Aactiva No. PB02 DY 6466 and ran away from the spot. Ashu called at our house and told about the incident. Then Ranjit son of Prem Kumar resident of Gawal Mandi came at the spot, who arranged a vehicle and got me admitted to Guru Nanak Hospital. Doctor treated me and in the morning I came back home. Kindly legal action be taken against the unknown persons who gave us beatings and also snatched our money and Aactiva. I can identify them if prade is done in front of me. Statement is reduced into writing, heard and is correct. Gagandeep Singh”.

3. During the course of investigation, the petitioner came to be apprehended and the alleged recovery of a *datar* and Aactiva scooter came to be effected from him.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The recovery had been foisted upon the petitioner. A compromise had been effected between the parties and an affidavit (Annexure P-2) had been executed by the complainant stating that he had no objection if the petitioner was granted the concession of bail. As the petitioner was in custody since 18.07.2023 and none of the 11 prosecution witnesses had been examined so far, therefore, the Trial of the present case was not likely to be concluded anytime soon. He was entitled to the concession of bail.

CRM-M-11379-2024
(232)

::3::

5. The learned counsel for the State contends that serious allegations had been levelled against the petitioner. Pursuant to his arrest, a *datar* and Activa scooter came to be recovered from him. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 18.07.2023 and none of the 11 prosecution witnesses had been examined so far.

6. The learned counsel for the complainant, on the other hand, contends that she has no objection if the petitioner was granted the concession of bail in view of the affidavit (Annexure P-2).

7. I have heard the learned counsel for the parties.

8. The veracity of the prosecution case and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 18.07.2023 and none of the 11 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Even otherwise, a compromise has been arrived at between the parties. In this situation, the further incarceration of the petitioner is not required.

9. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Vishu @ Vishu Bhatti @ Kaka is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

March 11, 2024

sukhpreet

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