

CRM-M-17608-2024

2024:PHHC:092404



::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(226)

Date of decision: 23.07.2024

(1) CRM-M-17608-2024 (O & M)

Lakhwinder Singh @ Mantu Petitioner
V/s

State of Punjab ...Respondent

(2) CRM-M-17589-2024 (O & M)
(225)

Bhola Singh Petitioner
V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sandeep Kumar Passi, Advocate,
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions
i.e. CRM-M-17608-2024 and CRM-M-17589-2024 as they arise out of the
same FIR.

2. The petitioner-Lakhwinder Singh @ Mantu (in CRM-M-17608-
2024) and the petitioner-Bhola Singh (in CRM-M-17589-2024) seek the
grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.244

CRM-M-17608-2024

2024:PHHC:092404



::2::

dated 24.11.2023 under Sections 419/420 IPC and later on added Sections 468/471/34 IPC registered at Police Station City Budhlada, District Mansa, Punjab.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-17608-2024.

4. As per the case of the prosecution, Bhola Singh (petitioner in CRM-M-17589-2024) and Lakhwinder Singh @ Mantu (petitioner in CRM-M-17608-2024) had obtained an amount of Rs.45000/- from the complainant on the false promise of selling him copper wire lying in the electricity grid. However, neither was the copper delivered nor was the amount returned.

5. The learned counsel for the petitioners contends that a compromise has been arrived at between the parties. The complainant-Amandeep Singh (PW-1) and witness-Vijay Kumar (PW-2) had been examined during the course of the Trial and have not supported the prosecution case. As the petitioners were in custody since 24.11.2023, only 02 out of the 06 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, they were entitled to the concession of bail.

6. Separate short replies dated 22.07.2024 filed on behalf of the respondent-State in both the petitions are taken on record. While referring to the said replies, he contends that the petitioners were habitual offenders with multiple cases pending against them. Therefore, they were not entitled to the concession of bail. He, however, concedes that both the material



prosecution witnesses had turned hostile, that the petitioners were in custody since 24.11.2023 and that 02 out of the 06 prosecution witnesses had been examined so far.

7. I have heard the learned counsel for the parties.
8. A perusal of the record would reveal that both the material prosecution witnesses have turned hostile in furtherance of a compromise arrived at between the parties. The petitioners are in custody since 24.11.2023 but only 02 out of the 06 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioners is not required.
9. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioner-Lakhwinder Singh @ Mantu (in CRM-M-17608-2024) and petitioner-Bhola Singh (in CRM-M-17589-2024) are ordered to be released on bail subject to their furnishing bail bonds and surety bonds each to the satisfaction of learned CJM/Duty Magistrate, concerned.
10. The petition stands disposed of.

July 23, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No