



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

115+247

CRM-M-32365-2024 (O&M)
Date of Decision:- 04.09.2024

HARDEEP SINGH @ HAPPY DOCTOR

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

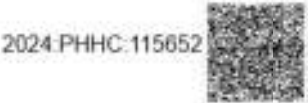
Present : Mr. Gurjinder Singh and Mr. Parminder Singh, Advocates
for the petitioner.

Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

CRM-29104-2024

1. The instant application has been preferred by the petitioner for impleading Ashok Kumar son of Janak Raj as respondent No.2 in the main petition.
2. Heard.
3. Keeping in view the averments made in the application and submissions made by learned counsel for the petitioner, the same is allowed. Ashok Kumar son of Janak Raj is impleaded as respondent No.2 in the array of respondents.
4. Amended memo of parties is taken on record.
5. Registry is directed to tag the same at appropriate place.



CRM-M-32365-2024

1. Mr. Ajay Pal Singh, Advocate has put in appearance on behalf of newly added respondent No.2 and filed his power of attorney. Same is taken on record.
2. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
209	23.11.2022	406, 420, 506 IPC; (25 of the Arms Act added later on)	Bhikhi, District Mansa

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 06.05.2024 and after the completion of investigation, challan has already been presented in Court. The petitioner is no more required for further investigation in the matter. He further submits that with the intervention of respectables, a compromise has been effected between the parties on 27.05.2024 (Annexure P-2). Thus prayed for grant of concession of bail to the petitioner.
3. *Per contra*, learned State counsel on instructions from ASI Gurcharan Singh submits that the petitioner has actively participated in cheating the complainant and as such the petitioner does not deserve the concession of bail. He has, however, admitted that challan has already been presented in the Court and charges are yet to be framed and the prosecution



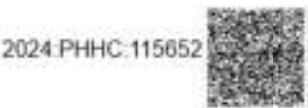
has cited 18 witnesses.

4. Learned counsel appearing on behalf of the complainant/respondent No.2 has admitted the factum of compromise having been effected between the parties and that the complainant has no objection in case the Court grants the concession of bail to the petitioner.

5. Heard learned counsel for the parties and perused the record.

6. After considering the rival contentions and perusing the record, it transpires that after being nominated in the instant FIR (Annexure P-1), the petitioner was arrested on 06.05.2024 and since then he is in custody. After the completion of investigation, challan has been presented in Court and charges have not yet been framed and as stated by learned State counsel, the prosecution has cited 18 witnesses. During the course of proceedings, a compromise has been effected between the parties, which has been admitted by learned counsel appearing on behalf of the complainant/respondent No.2. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to



tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

04.09.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |