

2024:PHHC:147970



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

Sr. No.234

**CRM-M-55536-2024(O&M)
Date of decision : 13.11.2024**

Hardeep Singh @ Basant

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. C.S. Rana, Advocate, for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

Mr. Vikrant Pujara, Advocate, for the complainant.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.34 dated 29.03.2024, under Section 379-B IPC (Section 411 IPC added later on), registered at Police Station Dakha, District Ludhiana.

2. Learned counsel for the petitioner *inter alia* submits that it is alleged that the petitioner along with other co-accused had snatched the mobile phone and Rs.10,000/- in form of cash from the possession of the complainant. He further submits that the petitioner has been falsely implicated in this case and there is no cogent evidence against him. The petitioner has undergone an actual custody of 05 months and 30 days. He further submits that similarly situated co-accused has been granted regular bail vide order dated 20.09.2024 passed by this Court in CRM-M-33324-2024.

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3. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 05 months and 30 days and is involved two other criminal cases, however, he is on bail in that cases. He on instructions submits that charges have been framed on 27.09.2024. He also submits that out of a total of 09 prosecution witnesses, none has been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Mr. Vikrant Pujara, Advocate, has appeared on behalf of the complainant and has filed his vakalatnama in Court today. The same is taken on record. He submits that the matter has been compromised between the parties.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed and the matter has been compromised between the parties. None of the prosecution witness has been examined. Similarly situated co-accused has been granted the concession of regular bail vide order dated 20.09.2024 passed by this Court in CRM-M-33324-2024. The conclusion of the trial will take a considerable time. The petitioner has undergone an actual custody of 05 months and 30 days. Therefore, this Court is of the

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considered view that further incarceration of the petitioner will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

13.11.2024
Ramandeep Singh