

CRM No. M-23070 of 2015
DECIDED ON: JULY 29, 2015

SHADI RAM @ KALA GHIO

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sarju Puri, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Punjab.

JASPAL SINGH, J (ORAL)

Instant petition has been filed under Section 439 Cr.P.C seeking regular bail to the petitioner in case FIR No. 18 dated January 29, 2015 under Sections 307 read with Section 34 IPC, registered at Police Station Phillaur, District Jalandhar.

2. Though, an injury sustained by complainant-Jagbir Kumar which falls within the purview of Section 307 IPC has been attributed to petitioner but parties have arrived at compromise, which has been reduced into writing and is available on file as Annexure P-2. The co-accused namely Harbans @ Bansa and Happy have already been granted the concession of bail by this Court vide order dated July 13, 2015 passed in CRM No. M-21217 of 2015.

3. Though, instant petition has been strongly resisted by learned State counsel submitting that injury which falls within the ambit of Section 307 IPC has been attributed to the petitioner and further that petitioner is facing the trial but the fact that in view of compromise, complainant and other witnesses are not likely

to support the prosecution case, it would be nothing but a sheer wastage of time of Court as well as that of witnesses. Petitioner is suffering incarceration since the date of his arrest i.e. April 11, 2015

4. Keeping in view the fact that the co-accused of petitioner have already been granted the concession of bail by this Court vide order dated July 13, 2015 passed in CRM No. M-21217 of 2015 and further that parties have already arrived at compromise, it would not be desirable for keeping the petitioner behind the bars for an indefinite period.

5. Taking into consideration all the aforesaid aspects of this case and without expressing any opinion on the merits of the case, petition is allowed and petitioner is ordered to be released on bail, at the satisfaction of trial Court/Duty Magistrate, Jalandhar.

JULY 29, 2015
SHAM

(JASPAL SINGH)
JUDGE