

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

**CRM No.M-19014 of 2017
Decided on: 06.09.2017**

Ajay Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.247 dated 17.12.2016, for offence punishable under Sections 323, 341, 452, 427, 506, 148, 149 and 308 of the Indian Penal Code, 1860 (in short 'IPC') registered in Police Station Sadar, Jalandhar.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 22.03.2017; challan has been presented on 19.05.2017 and the investigation in this case has already been completed, however, charges are yet to be framed. It is further submitted that all the co-accused of the petitioner have been granted the concession of anticipatory bail vide order dated 26.05.2017 passed in CRM-M Nos.2483, 10660 and 2778 of 2017. He has argued that dispute between the parties has been settled and a petition i.e. CRM-M No.25115 of 2017 seeking quashing of the FIR on the basis of compromise has already been filed in which notice of motion has been

issued on 17.07.2017. He has further argued that no purpose would be served by keeping the present petitioner in custody as the dispute between the parties has already been settled; the petitioner is no more required for any further custodial interrogation and conclusion of the trial will take long time.

Counsel for the State, on instructions from HC Karam Singh, has not disputed the factual assertions but opposed the prayer for bail. He has further submitted that the petitioner is the main accused who has attributed grievous injury on the head of Gurdial Singh.

I have heard counsel for the parties, perused the paperbook and the records.

Without meaning to express any opinion on merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

06.09.2017
yakub

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