

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3578-2019 (O&M)
Date of Decision:-8.4.2019

Deepak Kohli

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. N.K. Sodhi, Advocate for the petitioner.

Mr. Randhir Singh Thind, D A G, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in a case registered vide FIR No.45 dated 30.4.2018, Police Station Sadar Kharar, District Mohali, under Sections 341, 323, 506, 34 of Indian Penal Code, 1860, wherein offence under Section 307 of Indian Penal Code, 1860 has been added later on.

The FIR was registered at the instance of Sukhdev Singh, wherein he has alleged that on 27.4.2018 when he alongwith his brother

Kuldeep Singh and other friends were dancing in a marriage function, an altercation took place with Deepak Kohli, Kiran Dhanoa, Dhanvir Singh and Lakhvir Singh who were also dancing. However, they were pacified with the intervention of the other persons, present at the spot. It is alleged that later at about 10.45 P.M. when they were returning back home, they were surrounded by the accused who were armed with sticks and iron rods. It is alleged that Deepak Kohli raised a lalkara exhorting his companions not to spare Kuleep Singh, upon which Kiran Dhanoa and Lakhvir Singh gave blows with sticks on the head of Kuldeep Singh, as a result of which, he fell down and thereafter Dhanvir Singh and Deepak Kohli also gave blows with iron rods on head of Kuldeep Singh, due to which blood started oozing from head of Kuldeep Singh.

The learned counsel for the petitioner has submitted that it is, at best, an offence under Section 323 IPC but somehow offence under Section 307 IPC came to be added later on. It has further been submitted that FIR came to be lodged due to some misunderstanding, which has now been resolved and the matter has been compromised.

Mr. Manvir Singh Toor, Advocate has put in appearance on behalf of complainant and has also filed vakalatnama on behalf of the complainant and has endorsed that the parties have entered into a compromise. He has further submitted that he has no objection in case the petitioner is granted bail in view the fact that the parties have amicably resolved their dispute.

Opposing the petition, the learned State counsel has submitted since that petitioner is specifically named in the FIR and injuries are

substantiated from the MLR, the petitioner does not deserve the concession of bail.

Having considered rival submissions addressed before this Court and also bearing in mind the fact that petitioner has been behind bars since the last about 7 months and till date only 2 prosecution witnesses, out of 18, have been examined, while 5 witnesses have been given up and also that the parties have compromised the matter, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner Deepak Kohli is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

8.4.2019

rakesh

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No