

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49041 of 2019

Date of Decision: 10.12.2019

Harpal Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ankur Mittal, Advocate, for the petitioner.
Mr. B.S. Sewak, Addl. A.G. Punjab.
Mr. Dilraj Singh, Advocate,
for the compplanant.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks the concession of bail upon FIR no.48 having been registered at Police Station Balongi, District SAS Nagar (Mohali), on 13.05.2019, alleging therein the commission of offences punishable under Sections 323, 341, 325, 506, 148, 149 of the IPC (Section 307 of the IPC added later on) and Section 25/27 of the Arms Act.

The petitioner having earlier filed CRM-M-37553 of 2019 seeking the concession of anticipatory bail under the provisions of Section 438 of the Cr.P.C., that petition was dismissed by this court on September 06, 2019, with a similar petition filed by his co-accused, i.e. CRM-M-41912 of 2019, having been also dismissed on October 29, 2019, while however granting anticipatory bail to one co-accused, i.e. Tarun Chopra, on the ground that he had already undergone imprisonment for a period of two and a half months, prior to an offence punishable under Section 307 of the IPC having been re-inserted in the FIR (upon which he was apprehending arrest again).

It was specifically observed in that order that the other petitioners not having undergone even one days' custody, looking at the number of injuries attributed to them upon the person of the complainant and the other injured person, they do not deserve the concession of anticipatory bail at least.

In the aforesaid background, upon the petitioner having been arrested, he has filed this petition after having remained in custody for about 3 months.

The merit of the contention apart and of course the fact that a co-accused had already been admitted to bail on the ground that he had earlier been in custody for a period of two and a half months, it is further necessary to state that today learned counsel appearing for the complainant also does not deny the contention of learned counsel for the petitioner that the matter has in fact been 'settled between the parties'.

Though of course, the offences shown to have been committed are serious ones, whether or not the compromise effected would eventually have any effect on the trial would be a matter to be gone into by the trial court itself on the basis of evidence led before it, but at least as regards the concession of bail being granted in the aforesaid circumstances, seeing also the fact that the petitioner has remained in custody for about 3 months, now, without making any comment on the actual merits of the case, the petition is allowed and the petitioner is ordered to be released on bail upon furnishing his adequate bail and surety bonds to the satisfaction of the trial court.

December 10, 2019
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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.