

Crl. Misc. No. M-53122 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-53122 of 2018

DATE OF DECISION:25.02.2019

Aman @ Babbu

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed by petitioner-Aman @ Babbu for grant of regular bail to him in case FIR No. 112 dated 29.6.2017 registered under Sections 307,452,341,324,323, 148 and 149 IPC at Police Station Bhargo Camp, Jalandhar.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not involved. Initially the FIR was registered under Sections 452,341,324,323,148,149 IPC and offence under Section 307 IPC was added later on. Both the parties have received injuries. Complainant and injured got themselves medico legally examined from private doctor and opinion has also been given by him. Learned counsel further contends that all material witnesses including

the complainant and injured have been examined. Learned counsel also contends that the matter has been compromised between the parties and the complainant has no objection in releasing the petitioner on bail. The petitioner is in custody for the last more than one and a half years, trial may take long time to conclude and no purpose would be served by keeping him behind the bars.

Learned counsel for respondent-State has not disputed the custody period as well as the fact that injured are from both the sides. However, he opposed the bail on the ground of seriousness of the offence and submits that the offence under Section 307 IPC is not compoundable. He further submits that the complainant has specifically supported the case of the prosecution as his statement has already been recorded.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

By considering the custody of petitioner, which is more than one and a half years and also the facts that complainant and injured have already been examined; trial may take some time to conclude and no purpose would be served by keeping the petitioner behind the bars, the present petition is allowed. Petitioner-Aman @ Babbu is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

February 25, 2019
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes

