

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-16900-2020 (O&M)
Date of decision: 06.10.2020

Shashi Kumar @ Sammi

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Naveen Sharma, Advocate,
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Shashi Kumar @ Sammi, stated to be aged 30 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.122 dated 04.05.2020, under Sections 307, 336, 506, 148, 149, 188 of IPC and Sections 25/27 of the Arms Act, 1959, registered at Police Station Saleem Tabri, District Ludhiana.

Records of the case show that on 25.08.2020, the following order was passed:-

“Copies of vernacular compromise-deed and affidavit of complainant are taken on record. The original be filed with the Registry of this Court in due course.

Learned counsel, inter alia, contends that petitioner has been falsely implicated in the case as he is by sheer ill luck

merely happened to be present at the time of the occurrence when fight broke up between two groups at a liquor shop. He submits that petitioner had in fact tried to pacify the matter between those two groups, who were indulged in the street brawl and in the process got implicated in the case. He contends that, in any case, even if allegations of the FIR, at this stage, are to be believed, the only role attributed to the petitioner is that he gave fist blows to the complainant and said allegations being very vague in nature do not make out a case of 307 IPC qua the petitioner. Provisions of Arms Act are also not applicable to the petitioner, which though have been mentioned in the FIR, but are qua the other co-accused. He further submits that later on even the complainant realized his mistake that the petitioner has wrongly been attributed the role of being an aggressor. Complainant has now withdrawn allegations against the petitioner as is borne out from compromise-deed dated 21.08.2020 signed in the presence of Members of Panchayat. The complainant has also sworn an affidavit in the same terms that he withdraws all his allegations against the petitioner.

Adjourned to 06.10.2020, to enable learned State counsel to verify the affidavit and compromise-deed signed by the complainant. In the meanwhile, in view of the compromise, till the next date of hearing the petitioner shall be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate/ Illaqa Magistrate, as the case may be. It is made clear that if the said affidavit/ compromise deed is found fake, the prosecution shall be at liberty to take the petitioner back in custody, apart from taking further criminal action qua the same.”

Learned State counsel submits that in case the petitioner or his counsel supplies the copy of the affidavit/compromise deed within two

weeks from today to the State counsel and/or the ASI Prem Singh, Police Station Saleem Tabri, District Ludhiana, they will be able to verify the factual position regarding compromise.

In view of the above, the present petition is allowed. The petitioner and his counsel are directed to supply the copy of the affidavit/compromise deed to the State counsel and/or the ASI Prem Singh, Police Station Saleem Tabri, District Ludhiana, within two weeks from today. It is further directed that the petitioner be released on regular bail subject to his furnishing *bail bonds/surety bonds* to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

It is made clear that in case, the Investigating Officer finds that the complainant does not support the above on verification, the Investigating Agency is free to apply for cancellation of bail.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

06.10.2020

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No