

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28315-2021 (O&M)

Date of Decision: 17.11.2021

Gurvinder Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Pankaj Bali, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

CRM-36878-2021

The present application has been filed for placing on record the copy of compromise and orders dated 13.09.2021 and 30.09.2021 as Annexures P-7 to P-9 respectively.

For the reasons mentioned in the application, the same is allowed and Annexures P-7 to P-9 are taken on record, subject to just exceptions.

Main case

The present petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.32 dated 01.03.2021, under Sections 148/149/307/326-A/323/342 /364/386/506 IPC, registered at Police Station Bhikhi, Mansa.

The learned counsel for the petitioner has submitted that the petitioner in the present case is in custody since 01.03.2021 and the investigation of the case is already complete and challan has already been presented under Section 173 Cr.P.C on 30.04.2021. He submitted that it is a case where the petitioner has been falsely implicated and even otherwise as per the MLR, the injuries were only superficial in nature. He submitted that no recovery is to be effected from the petitioner and the petitioner is not a habitual offender and there is no other case against the petitioner. He further submitted that it is a case where now a compromise has been effected between the petitioner and the complainant vide Annexure P-7. He further submitted that the trial of the case would take long time and, therefore, he may be considered for the grant of regular bail.

Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody from 01.03.2021 and after the completion of the investigation, the challan has been filed under Section 173 Cr.P.C before the competent Court. He further submitted that it is also correct that the petitioner is not involved in any other case and he has also verified regarding the compromise which has been effected between the complainant and the petitioner. He has, however, opposed the grant of bail on the ground that the matter is serious in nature.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not in dispute. It is also not in dispute that the petitioner is not involved in any other case and is not a habitual offender as per the learned counsel for the parties. Apart from this, it has been pointed out by the learned counsel for the petitioner that vide Annexure P-7 the matter has been compromised between the parties, which

has been verified by the learned State counsel. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with evidence or may flee from justice.

Therefore, without commenting on the merits of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

17.11.2021

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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