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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.21397 of 2019(O&M)
Date of Decision: 14.09.2021**

Rajpal SinghPetitioner
Vs
State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Mehal, Advocate for
Mr. M.S. Bajwa, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl., A.G., Punjab.

Mr. Anupam Bhardwaj, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner has preferred this petition under Section 439(2) Cr.P.C for cancellation of bail granted to respondent No.2 in FIR No.308 dated 14.10.2017 registered under Sections 307, 336, 148, 149 IPC (Sections 326, 325, 324 and 323 IPC added later on) at Police Station Division-A, District Amritsar.

Vide order dated 25.05.2018 passed in CRM-M No.18665 of 2018, regular bail was granted to respondent No.2 on the premise that as per allegations, the petitioner was armed

with a pistol and he has used the same in the commission of offence. It was not clear that out of two accused, who had used the weapon and fired upon the right leg of the complainant. There was no gun shot injury on any part of the body of the complainant. Respondent No.2 was in custody since 13.11.2017 at the time of passing of order dated 25.05.2018. Out of total 24 prosecution witnesses, no witness was examined till that day.

Learned State counsel had opposed the bail on the ground that the recovery of firearm was effected from the petitioner, to which learned counsel for the petitioner submitted that the recovery was effected in some different FIR.

After hearing arguments of both sides, Co-ordinate Bench vide order dated 25.05.2018, granted bail to respondent No.2 as no gun shot injury was found on the person of the complainant and he was in custody since 13.11.2017. Out of total 24 prosecution witnesses, none was examined till that time and there was possibility of the trial being delayed and not completed within reasonable period.

It is a settled principle of law that grounds for cancellation of bail are different than the parameters, which are to be taken into consideration at the time of grant of bail. Respondent No.2 has not misused the concession of bail in any manner.

Learned counsel for respondent No.2 has also projected a case of compromise between the parties, for which some criminal miscellaneous is pending for quashing of FIR on the basis of compromise.

At this stage, this Court does not wish to comment upon the pendency of criminal miscellaneous in the High Court and the same shall be decided in accordance with law. However, no ground is made out to cancel the bail granted to respondent No.2 vide order dated 25.05.2018 passed in CRM-M No.18665 of 2018.

Dismissed.

(RAJ MOHAN SINGH)
JUDGE

September 14, 2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No