

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

205

**CRM-M-48919-2021
Date of decision: 26.11.2021**

JANAK RAJ

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Vishayjeet Singh Rishi, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

Mr. Shiv Kumar Rana, Advocate
for the complainant.

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 109 dated 28.04.2021 registered under Section 307 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Haibowal, District Ludhiana.

Brief facts of the case are that the complainant and the petitioner are real sister and brother. On 27.12.2020, there was marriage in the house of their elder sister Sarita. Due to some issues, argument took place between Janak Raj (petitioner) and elder sister Sarita. The other brother of the complainant Vijay Kumar intervened due to which quarrel arose between Janak Raj (petitioner) and Vijay Kumar.

Thereafter, on 28.04.2021, the complainant Veena Rani went to market

to purchase some goods and on the way she met her brother Vijay Kumar and in the meanwhile Janak Raj came there and started abusing Vijay Kumar. Janak Raj (petitioner) fired on Vijay Kumar with his pistol which fire hit him in his stomach and thereafter he ran away from the spot.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the injury received by Vijay Kumar was on non-vital part of his body. The petitioner had no intention to kill his brother Vijay Kumar. That the petitioner and complainant are real brothers and sister and they have resolved all the disputes between them and have compromised the matter. Affidavits of complaint-Veena Rani and victim-Vijay Kumar in this regard have already been placed on record. The petitioner is in custody since 05.06.2021. No recovery in the matter is to be affected. Challan in the case has already been presented. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

Custody Certificate dated 26.11.2021 has been filed by learned State Counsel which is taken on record.

Mr. Shiv Kumar Rana, Advocate has appeared on behalf of the complainant-Veena Rani and Vijay Kumar and filed separate power of attorney on behalf of both the complainant which are taken on record.

Learned Counsel for the complainant admits the factum of

compromise effected between the parties and has no objection if the application for grant of regular bail to the petitioner is allowed.

Having considered the facts and circumstances of the case, the period of custody of the petitioner, the parties have resolved their entire dispute between them and the fact that the petitioner and complainant are real brothers and sisters, the compromise effected between the parties will contribute to peace and harmony in the society but without expressing any opinion on the merits of case, the petition is allowed and the petitioner-**Janak Raj** is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.11.2021
kavneet singh

(SANT PARKASH)
JUDGE

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