

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

**CRM-M-3492-2022 (O&M)
Date of decision: 03.02.2022**

Aarif and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Tanvir Singh Grewal, Advocate for the petitioners.

Mr. Davinder Bir Singh, DAG Punjab.

Mr. Kushagra Beniwal, Advocate for respondents No. 2 and 3.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioners have filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 77 dated 07.07.2021, registered under Sections 307, 452, 323, 436, 148 and 149 IPC, at Police Station City-II Malerkotla, District Sangrur, Punjab.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case; that they have been indicted in the present case merely because of their presence at the place of occurrence; that injury entailing the offence under Section 307 IPC has not been attributed to them and all the injuries are simple in nature; that co-accused Ashraf @ Mirch and other co-accused are on bail and the matter has

been compromised between the parties. The petitioners have been in custody since July-2021.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioners have actively participated in the crime. However, he does not dispute the custody period of the petitioners. He submits that the challan has been presented but the prosecution witnesses are yet to be examined.

Learned counsel appearing for respondents No. 2 and 3 does not dispute the factum of compromise.

I have heard the learned counsel for the parties.

The petitioners have been in custody since July-2021. The matter has been compromised between the parties. The prosecution witnesses are yet to be examined. The conclusion of the trial would taken a long time. Moreover, co-accused are on bail. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

03.02.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No