

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

SR. No.226

CRM-M-5154-2022

Date of Decision:08.08.2022

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Riffi Birla, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

Ms. Pushpinder Kaur, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.15 dated 02.02.2021 under Sections 365/307/342/323/148/149 IPC, registered at Police Station City-1, Abohar, District Fazilka.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody since 25.12.2021. She further submitted that investigation of the case has already been completed and thereafter charges have been framed on 16.05.2022. She further submitted that it is a case where even as per the prosecution story, the role of the petitioner was only that he had held the injured from the backside and the other co-accused had inflicted kirpan blows on his head with an intention to kill. She further submitted that even no medical opinion with regard to nature of the injuries was neither taken nor on the record. She further submitted that in fact it was a case of false implication and thereafter the matter has been even compromised between the complainant and the accused persons vide

Annexure P-2. She also submitted that in view of the aforesaid factual position and considering the custody period of the petitioner, he may be granted the concession of regular bail.

On the other hand, Mr. R.S. Thind, DAG, Punjab, has stated that it is correct that the petitioner is in custody since 25.12.2021 and investigation of the case has been completed and no recovery is to be effected from the petitioner. He further submitted that so far as the factum of compromise between the complainant and the accused persons is concerned, the same is not permissible under the law since the offence pertains to Section 307 IPC.

I have heard the learned counsel for the parties.

Although, a compromise effected between the complainant and accused persons may not be permissible since the offence pertains to Section 307 IPC but the other factors of the present case can certainly be considered for the grant of regular bail to the petitioner. The petitioner is in custody for the last about 08 months and investigation of the case has already been completed and no recovery is to be effected from him and the learned counsel for the complainant has also stated that a compromise has been effected between the parties. Apart from the same, as per the learned counsel for the parties, the only role attributed to the petitioner was that he had tightly held the injured from the backside. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may abscond or may influence any witness.

Consequently, 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.

08.08.2022
mks

(JASGURPREET SINGH PURI)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO