

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-13044-2022
Decided on : 04.04.2022

Harjinder Pal Singh @ Minta

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 44 dated 22.05.2002 under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860 (Sections 341 and 506 IPC added and Section 34 IPC dropped subsequently) registered at Police Station Rahon, District Nawanshehar (now SBS Nagar).

Learned counsel for the petitioner has submitted that in the present case, the petitioner was granted bail but since the petitioner was declared as proclaimed offender, thus, the regular bail application of the petitioner had been rejected. He has further submitted that in the present case, a compromise has been effected and has placed reliance upon the compromise dated 15.01.2022 (Annexure P-3) as per which Sohan

Singh (complainant) has stated that the matter has been compromised and he does not want to take any action against the petitioner. It is contended that the petitioner has been attributed only one injury on the wrist of one Bhajan Singh which is simple in nature. It is further contended that the co-accused of the petitioner have already been acquitted as the complainant and the prosecution witnesses did not support the case of the prosecution. It is submitted that the petitioner is in process of filing a petition under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise and the petitioner has been in custody since 17.02.2022 and thus, has prayed for grant of regular bail.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that the petitioner had remained as proclaimed offender for several years and thus, does not deserve the concession of regular bail.

This Court has heard learned counsel for the parties and has perused the paperbook.

As per the prosecution case, the petitioner has been attributed only one injury on the wrist of one Bhajan Singh which was simple in nature. The petitioner was granted regular bail but was ultimately declared as proclaimed offender. It is the case of the petitioner that the matter has been compromised and a reference has been made to the compromise dated 15.01.2022 in the said regard. It is also submitted that the other co-accused of the petitioner have already been acquitted since the complainant and the prosecution witnesses had

turned hostile. The petitioner is stated to be in the process of filing a petition under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise. The petitioner has been in custody since 17.02.2022.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

It is made clear, in case, the petitioner threatens or influences any witness, it would be open to the State to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

April 4th, 2022
Mehak

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