

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(215)

CRM-M-13885-2022

Date of decision: - 07.04.2022

Mohit @ Mohit Bhupal

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Umesh Sharma, Advocate,
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.113 dated 26.06.2021, registered under Sections 323, 324, 148 and 149 IPC (Sections 325, and 326 IPC added later on), at Police Station Mahilpur, District Hoshiarpur.

Learned counsel for the petitioner has submitted that as per the prosecution version, only one injury has been attributed to the petitioner, which is on the right thigh and the same attracts the provision of Section 325 IPC. It is further submitted that complainant-Pawandeep Singh has compromised the matter with the present petitioner and reference has been made to compromise dated 04.03.2022 (Annexure P-2), as per which, the said Pawandeep Singh has stated that he has no

objection if the FIR qua present petitioner be quashed. It is further submitted that the petitioner has been in custody since 23.01.2022 and the trial in the present case is likely to take long as even the challan qua the present petitioner has not been submitted as yet.

Learned State counsel has opposed the present petition for regular bail and has submitted that the petitioner was declared a proclaimed offender on 25.10.2021 and he was subsequently arrested on 23.01.2022 and thus, he does not deserve the concession of regular bail.

This Court has heard learned counsel for the parties and gone through the paper-book.

It is not in dispute that the petitioner has been attributed one injury on the thigh, on account of which Section 325 IPC stands attracted. As per the compromise dated 04.03.2022 (Annexure P-2), the complainant-Pawandeep Singh, who has suffered the said injury, has compromised the matter with the petitioner and he has stated that he has no objection in case the FIR against the present petitioner is quashed. Moreover, the injury attributed to the present petitioner is on a non-vital part and the petitioner has been in custody since 23.01.2022 and the trial in the present case is likely to take long as even the challan qua the present petitioner has not been submitted yet.

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 petition.

April 07, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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