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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16925-2022
DECIDED ON: 31.08.2022

BALJIT SINGH @ BALJIT CHAUDHARYPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Shubham Mehta, Advocate
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

Mr. Birinder Pal, Advocate
for the complainant.

SANDEEP MOUDGIL, J. (ORAL)

This is a petition seeking regular bail in FIR No.0208, dated 17.09.2020 (Annexure P-1), under Sections 307, 450, 148, 149, 506 of the IPC and Sections 25, 27, 54, 59 of the Arms Act (offence u/s 302, 449, 420, 460, 109, 465, 468, 470, 120-B of the IPC and offence u/s 12 of the Passport Act, 1967 were added later on), registered at Police Station City Kharar, District SAS Nagar.

Learned counsel for the petitioner contends that the alleged occurrence took place on the intervening night of 16/17.09.2020 and at that time as per the prosecution story, there were two eye-witnesses namely Devan Sharma and Anita Sharma, who have turned hostile. He has further asserted that a perusal of the FIR clearly demonstrates that the petitioner was alleged to be armed with pistol, whereas, injuries have been given to the deceased with dandas and iron rod.

On the other hand, learned counsel for the complainant submits that he has no objection, if the petitioner is released on regular bail. This very fact is sufficient to convince this Court to conclude that there seems to be a compromise entered into between the petitioner and the complainant and the prosecution case is likely to be derailed as the main eye-witnesses have turned hostile.

Looking at the totality of the facts and circumstances and also the fact that the eye-witnesses have turned hostile in the present FIR, no fruitful purpose will be served by keeping the accused behind bars and the conclusion of the trial is likely to take time, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned.

31.08.2022*poonam negi***(SANDEEP MOUDGIL)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>