

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

CRM-M-19519-2022 (O&M)

Date of decision: 16.05.2022

Jahur Deen @ Samma and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Manoj Kumar Sharma, Advocate for the petitioners.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioners have filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 28 dated 05.03.2022, registered under Sections 341, 323, 148 and 149 IPC and Section 307 IPC added later on, at Police Station Bhogpur, District Jalandhar, on the basis of compromise dated 16.03.2022 (Annexure P-2).

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case; that the alleged occurrence took place on 25.02.2022 whereas the FIR was registered on 05.03.2022, i.e. after a gap of 09 days; that co-accused Mohd. Rafi, Nazir Ahmed, Yakub Ali and Barkat Ali, have already been granted *ad interim* anticipatory bail by this Court vide order dated 28.04.2022 and that no offence under Section 307 IPC is made out against the petitioners.

He further submits that as per the MLR, there was no injury on the head of the complainant and all the injuries received by complainant-respondent No. 2 are simple in nature and none of the injuries has been

declared dangerous to life; that it is a case of version and cross-version and moreover, a compromise dated 16.03.2022 (Anneuxre P-2) has already been effected between the parties and that the petitioners have been in custody since 09.03.2022.

At this stage, Mr. Ritesh Kumar Sharma, Advocate appears and files vakalatnama on behalf of the respondent No. 2, which is taken on record. He does not dispute the factum of the compromise.

Learned State counsel, while opposing the prayer for bail submit that the injury attributed to the petitioners falls under Section 323 IPC. However, he does not dispute the custody period of the petitioners and the fact that 04 co-accused have already been granted the concession of *ad interim* anticipatory bail by this Court. He further submits that the challan is yet to be presented.

I have heard the learned counsel for the parties.

The petitioners have been in custody since 09.03.2022. Four co-accused are on bail. Challan is yet to be presented. Moreover, the matter has already been compromised between the parties. The trial would take time. Hence, no useful purpose would be served by keeping the petitioners 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.

16.05.2022

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No