

CRM-27324-2022 in/and
CRM-M-25801-2021

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(111+219) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-27324-2022 in/and
CRM-M-25801-2021
Date of Decision: 08.08.2022

Rajinder Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

Mr. Akhil Ahuja, Advocate for the complainant.

JASJIT SINGH BEDI, J.

CRM-27324-2022

The present application has been filed by the learned counsel for the applicant-petitioner for placing on record the compromise dated 26.05.2022.

For the reasons mentioned in the application, the same is allowed and the compromise dated 26.05.2022 is taken on record.

CRM-M-25801-2021

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.191 dated 08.08.2019 (Annexure P-1) under Section 307 IPC, 1860 and Sections 25/27 of the Arms Act, 1959 registered with Police Station City Rajpura, District Patiala.

2. The present FIR came to be registered at the instance of ASI Davinder Singh, who stated that he was doing duty at Police Station City Rajpura, Patiala. On 08.08.2019, while he along with the Police party were

present in connection with a Nakabandi then around 4.30 PM a gunshot was heard near Ashoka Hotel, Rajpura. Hearing the said shot, he along with the Police party ran towards the Hotel, where a Sikh person in white clothes had run after firing bullets near the Ashoka Hotel. When he reached the spot, he found a person lying blood soaked having been hit by bullets. He along with the Police party chased the person who fired and caught hold of him. He revealed his name as Rajinder Singh and stated that he had fired bullets at one Narender Ahuja, who had usurped a lot of his money due to which he was aggrieved. The petitioner-Rajinder Singh handed over the revolver to them at that time.

3. The learned counsel for the petitioner submits that the investigation stands completed, challan having filed on 04.11.2019 and charges have been framed on 04.02.2020. The petitioner has been in custody since 08.08.2020 and during the course of the present proceedings of bail, a compromise (Annexure P-5) has been entered into between the parties. He thus, prays for the grant of regular bail.

4. The learned State counsel submits that the petitioner is the assailant having caused injuries with a firearm on the person of the injured and he does not deserves the concession of regular bail. He however, does not dispute the period of custody as also the fact that a compromise (Annexure P-5) has been entered into between the parties and only 03 out of the 19 prosecution witnesses have been examined so far.

5. The learned counsel for the complainant while admitting the factum of compromise also states that he has no objection in case the petitioner is granted the concession of regular bail.

6. I have heard the learned counsel for the parties at length.

7. Admittedly, the petitioner is the main accused. However, during the course of the pendency of the present bail petition, a compromise (Annexure P-5) has been entered into between the parties. The petitioner has been custody since 08.08.2020 except for a period of approximately 06 months during which time he was on interim bail. Only 03 out of the 19 prosecution witnesses have been examined so far. Therefore, the trial is certainly not likely to be concluded in the near future.

8. In view of the above, more particularly since a compromise has been effected between the parties, the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Rajinder Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petition stands disposed of.

**(JASJIT SINGH BEDI)
JUDGE**

08.08.2022

JITESH

**Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**