

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-34220-2022
Date of decision : 01.09.2022

Sukha Singh @ Sukhi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Manu Loona, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr.DAG, Punjab.

Mr.Yaseen Sethi, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.98 dated 25.05.2022 registered under Sections 307, 506, 148, 149 IPC and Sections 25/27 of the Arms Act at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 25.05.2022 and the investigation is complete and the challan has already been presented and there are 15 witnesses, out of which none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that the petitioner is not stated to have been armed with any weapon and the only allegation in the FIR levelled against the petitioner is that he had raised *lalkara*, and no injury has been attributed to him. It is

also submitted that the matter has been compromised and has referred to compromise deed dated 07.07.2022 in support of his arguments.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that co-accused Mukhtiar Singh had inflicted gun shot injury on the stomach of the complainant.

Learned counsel for the complainant has submitted that the matter has been compromised and has stated that the said compromise is genuine and has been entered into without any pressure and undue influence. It is further submitted that he has no objection in case the present petition for regular bail is allowed.

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

The petitioner has been in custody since 25.05.2022 and the investigation is complete and the challan has already been presented and there are 15 witnesses, out of which none have been examined and thus, the trial is likely to take time. The petitioner was neither stated to be carrying any weapon nor any injury has been attributed to him and the only specific allegation levelled against him was that he had raised a *lalkara*. The matter, even as per the stand of the complainant, has been compromised and the petitioner is stated to be not involved in any other case.

Keeping in view the above said 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, it is made clear that in case, any act is done by the

petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

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.

(VIKAS BAHL)
JUDGE

September 01, 2022
Davinder Kumar

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