

**293 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-38864-2022
Date of decision : 06.09.2022**

PREMPARKASH @ BABBU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms. Harmeet Kaur Chanan, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

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.39 dated 17.05.2022 registered under Sections 307, 323, 506, 148, 149 of IPC (Section 325 added later) at Police Station Sadar, District Pathankot.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 17.05.2022 and the investigation is complete and the challan has already been presented and there are 20 witnesses and 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. The earlier bail application filed by the petitioner was withdrawn on 05.08.2022, at that stage and after the said withdrawal, the matter has now been compromised as per the compromise deed dated 16.08.2022 (Annexure P-10). Said compromise has been signed by both the complainant and his father and as per the same they have stated that they have no objection if the petitioner is granted bail or if the present FIR is quashed. It is submitted that

co-accused of the petitioner namely Rajesh Kumar @ Goldy had filed a petition for anticipatory bail in which notice of motion was issued and the counsel for the complainant had also appeared and reiterated the fact that the matter has been compromised and in view of the same, interim protection was granted to said Rajesh Kumar @ Goldy.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner had given 3-4 consecutive blows with a sharp edged weapon with the intention to kill the father of the complainant.

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

The petitioner has been in custody since 17.05.2022 and the investigation is complete. Challan has already been presented. There are 20 witnesses and 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. The earlier bail application filed by the petitioner had been withdrawn on 05.08.2022 at that stage and after the said withdrawal, the matter has been compromised vide compromise deed dated 16.08.2022 (Annexure P-10) as per which the complainant and his father Tara Chand have stated that they have no objection if the petitioner is granted the concession of bail or if the FIR is quashed. Co-accused of the petitioner namely, Rajesh Kumar had filed an anticipatory bail bearing CRM-M-36538-2022 in which one of the primary grounds taken was that the matter had been compromised and the counsel for the complainant appeared in the same and reiterated the fact that the matter has been compromised. Accordingly, the said co-accused Rajesh Kumar was granted interim protection.

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.

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 06, 2022
Amandeep

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