

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(203)

CRM-M-47368-2021 (O&M)

Date of decision: - 30.06.2022

Love @ Love Sahota

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Munish Puri, Advocate,
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Lakhwinder Singh Lakhanpal, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.171 dated 18.09.2021, registered under Sections 323, 324, 307 and 34 IPC (Section 326 IPC has been added later on), at Police Station Shahpur Kandi, District Pathankot.

Learned counsel for the petitioner has submitted that in the present case, the petitioner is in custody since 28.09.2021 and the challan has been presented and there are 20 prosecution witnesses, none of whom have been examined and the trial is likely to take time. It is further

submitted that the petitioner is not involved in any other case and he is a young boy of 18 years. It is argued that in the present case a perusal of the FIR would show that the son of the complainant was arguing with his mother, who is the complainant, and the father of the petitioner intervened in the said fight and thereafter, the present petitioner also intervened. It is submitted that in fact the father of the petitioner had intervened in the matter in order to stop the son of the complainant from fighting with the complainant. It is also submitted that the matter has now been amicably settled and reference has been made to compromise dated 17.05.2022 as well as agreement dated 17.05.2022 (Annexures P-6 and P-7), in which, it has been specifically stated by the complainant that she has no objection in case FIR against the present petitioner is cancelled and he is released on bail and the said compromise has been signed by the injured Vijay Kumar also.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that three injuries have been caused by the petitioner to injured Vijay Kumar, out of which one injury was grievous in nature.

Learned counsel appearing for the complainant has submitted that the matter has now been compromised and has stated that the documents (Annexures P-6 & P-7) are genuine documents. It is further submitted that the complainant has no objection in case the present petition is allowed and the petitioner is released on bail.

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

Petitioner has been in custody since 28.09.2021 and the challan has been presented and there are 20 witnesses, none of whom have been examined and the trial is likely to take time. The petitioner is stated to be a young boy of 18 years and he is not involved in any other case. It is the case of the petitioner that the father of the petitioner had intervened when son of the complainant was arguing with his mother i.e., the complainant, and thereafter, in order to save his father, the petitioner had also intervened. It is the case of the petitioner as well as the complainant that the matter has been compromised vide compromise dated 17.05.2022, in which, the complainant and injured have stated that they have no objection in case the present petitioner is granted bail or in case the Fir is cancelled.

Keeping in view the abovesaid 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.

All the pending miscellaneous application(s), if any, stand disposed of in view of the abovesaid order.

June 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes