

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

CRM-M-43607-2022

Date of decision : 14.11.2022

Rajinder Singh @ Ricky

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Amarjeet Singh Prajapati, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.52 dated 13.06.2022, under Sections 307, 324, 354-B, 34 of IPC, registered at Police Station Ajitwal, District Moga.

As per the facts of the case, the alleged occurrence has taken place on 11.06.2022. The petitioner and the complainant side both belong to the same village and there remained some dispute among them. The petitioner's side lodged the complaint vide DDR No.48 dated 09.05.2022 which finally resulted in FIR No.34 dated 09.05.2022, under Sections 323, 324, 34 of IPC. Thereafter, the opposite side lodged the present FIR i.e. FIR No.52 dated 13.06.2022. On registration of the FIR, investigation commenced and the petitioner was arrested on 16.06.2022. The petitioner approached the Court of learned Additional Sessions Judge, Moga, however, after hearing both the sides, learned Additional Sessions Judge declined the same vide his order dated 16.08.2022.

Learned counsel for the petitioner submits that though the petitioner has approached this Court on the earlier occasion by way of filing CRM-M-37874-2022, however, the same was dismissed as withdrawn vide order dated 31.08.2022. He has submitted that the petitioner has been falsely implicated in this case only because the petitioner had lodged the FIR as mentioned above. He submits that as an act of vendatta, the present FIR was lodged against the petitioner by the opposite side to settle the score in the FIR lodged by the petitioner. He has submitted that petitioner approached this Court by way of filing earlier petition but at that time there was no compromise arrived at between the parties. However, now both the sides with the intervention of the respectables have settled the dispute amicably and thus, have decided to put an end to the litigation initiated by both sides against each other. He submits that the petitioner has no criminal antecedents and the investigation already stands completed and hence, for the welfare of the both the parties, the petitioner deserves to be granted bail.

Learned counsel for the complainant has submitted that both the parties have settled the dispute amicably and have decided to bury the hatchet in order to live in peace.

Learned State counsel on the other hand has submitted that there are serious allegations made by the complainant in the FIR. The investigating agencies have duly carried out the investigation and submitted the challan before the Court of competent jurisdiction. He has submitted that in both the FIRs, reports under Section 173 Cr.P.C. have been filed. He further submits that as per instructions provided, the petitioner has no criminal antecedents as he has not been involved in any

other offence except the present FIR. The co-accused are already enlarged on bail.

I have heard counsel for the parties and perused the record.

Admittedly, both the parties belong to the same locality and both had initiated the legal proceedings against each other. The parties have now settled the dispute amicably and have decided to put an end to the ongoing litigation. As submitted by learned State counsel, the investigation already stands completed and the case is fixed for framing of the charge. The co-accused are already enlarged on bail.

The trial of the case will take sufficient long time. The veracity of the allegations would be assessed by the trial Court after appreciation of the evidence to be led by the respective parties before it. This Court would refrain itself from commenting anything on the merits of the case. However, confining itself to the prayer made for bail, this Court finds that counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

14.11.2022
m. sharma

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