

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

CRM-M-51436-2021

Date of decision: 09.02.2022

Jyoti Mahant alias Balraj Mahant, Chela of Mehendi Mahant

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mohd. Yousaf, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Abdul Aziz, Advocate,
for respondents No.2 and 3.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.77 dated 07.07.2021, registered at Police Station City II, Malerkotla, under Sections 307, 452, 323, 436, 148 and 149 IPC.

Learned counsel for the petitioner contends that no specific injury has been attributed to the petitioner; that even as per the MLR of injured-Mohd. Arshad @ Billa, all four injuries on his person were simple in nature; that the petitioner has been in custody for the last more than 05 months; that a compromise was effected between the parties on 28.08.2021, and that co-accused have already been granted the concession of anticipatory/regular bail and, therefore, the petitioner may be granted such concession on the ground of parity.

On the other hand, learned State counsel, while opposing the

submissions made by the learned counsel for the petitioner for the grant of bail, submits that the petitioner and the co-accused being the members of an unlawful assembly, had actively participated in the commission of the crime. Initially, challan was presented against eight accused and thereafter, supplementary challan was presented against one more accused. However, challan is yet to be presented against the remaining accused.

Learned counsel for respondents No.2 and 3 does not dispute the factum of the compromise.

I have heard the learned counsel for the parties.

No specific injury has been attributed to the petitioner. The petitioner has been in custody for the last more than 05 months. The compromise has been effected between the parties. As noticed above, co-accused have already been enlarged on anticipatory/regular bail. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. There is no other case registered or pending against the petitioner. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

09.02.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No