

CRM-M-49227-2022

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

CRM-M-49227-2022

Date of decision: 16.11.2022

Malkit Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vaibhav Narang, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

Mr. Kamal Chaudhary, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.235 dated 27.12.2019, registered under Sections 326, 325, 148 and 149 IPC and Section 307 IPC (added later on), at Police Station Chattiwind, District Amritsar Rural.

Learned counsel for the petitioner contends that as many as nine accused have been arraigned in the present case; that the petitioner is the friend of co-accused, namely, Lovepreet Singh alias Labha, that earlier, the compromise was effected between the petitioner and the complainant; that on the basis thereof, a petition for quashing of the FIR was also filed; that during pendency of that petition, the complainant passed away; that

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Rajwinder Kaur, wife of the complainant, has sworn an affidavit dated 31.08.2022 qua effecting of compromise with the petitioner.

Learned counsel further contends that there is a delay of 01 month and 27 days in lodging the FIR; that injury on the neck of the complainant, with a *datar*, has been attributed to the petitioner, and that the petitioner has been in custody since 15.07.2022.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the occurrence. However, he has no instructions qua the compromise, if any, effected between the parties.

However, learned counsel for the complainant does not dispute the factum of compromise effected between the parties.

I have heard the learned counsel for the parties.

Challan has already been presented. Earlier, the compromise was effected between the petitioner and the complainant and in pursuance thereof, a petition for quashing of the FIR was also filed. However during pendency of that petition, the complainant passed away. Now, the wife of the complainant has sworn the affidavit qua the compromise effected with the petitioner.

Moreover, the petitioner has been in custody since 15.07.2022. Trial is unlikely to conclude any time soon. 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

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furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

16.11.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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