

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

211/2

**CRM-M-50242-2022 (O&M)
Date of decision: 04.11.2022**

SOHAIL SHEEMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ram Saroop, father of the petitioner in person.

ASI Balwinder Singh, Belt No.1249/PTA.

AMAN CHAUDHARY. J.

Bar is abstaining from work today.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.86 dated 14.09.2022, under Sections 323, 341, 379, 506 and 34 of the IPC (Sections 307 and 201 IPC added later on), registered at Police Station Banur, District Patiala (wrongly mentioned as District SAS Nagar).

Mr. Ram Saroop, father of the petitioner who appeared in the Court today (his Aadhaar Card is taken on record as Mark-A), submits that the petitioner is a 1st Year BDS student of Laxmi Bai Dental College Patiala, is in custody from 15.09.2022 and that there is no other FIR against him. These facts also emerge from a reading of Para 3 and 12 of the petition. It is further stated that a petition CRM-M-50698-2022 for quashing of FIR on the basis of compromise, is pending for 15.11.2022.

In para 3 of the petition, it has been averred that the petitioner

was empty handed at the time of alleged incident and had not caused any injury to the complainant as captured in the camera. It is further averred therein that the petitioner and complainant have now compromised the matter with the intervention of friends and respectables of the society which has been reduced in writing on 11.10.2022, Annexure P-2. It is further mentioned in para 4 of the petition, by relying on the MLR, Annexure P-3, that the alleged injuries suffered by the complainant were not dangerous to life.

ASI Balwinder Singh, Belt No.1249/PTA affirms the factum of the compromise arrived at between the parties. On query of the Court as regards the investigation in the case is concerned, he submits that the same is complete and challan has been prepared, which is under the process of checking. He further affirms the fact that the petitioner is not involved in any other case and is in custody since 15.09.2022, and that as per the MLR, the complainant had suffered simple injuries.

Heard and perused the file.

Keeping in view the facts and circumstances, in particular that the petitioner is a 1st Year BDS student; has been in custody since 15.09.2022; compromise in the matter has been arrived at between the parties; he is not involved in any other criminal case; investigation is also complete; the challan is prepared but pending for approval, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being

required in any other case. The petitioner shall abide by the following conditions:-

- 1. The petitioner will not tamper with the evidence during the trial.
- 2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
- 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- 4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- 6. The petitioner shall not in any manner misuse his liberty.
- 7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

November 04, 2022

S.Sharma(syr)

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