

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-51420-2022

Date of decision : 14.11.2022

Rajbir Singh @ Nannu

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Ruhani Chadha, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

Mr.P.S.Sekhon, Advocate for
Ms.Arti Kaur, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.73 dated 28.04.2022 registered under Sections 307, 364, 341, 148, 129 IPC at Police Station Bhargo Camp, District Jalandhar.

Learned counsel for the petitioner has submitted that in the present case there is one injured i.e., Vishal who is the brother of the complainant Danish and both the said persons have compromised the matter vide Annexure P-2 as per which they have no objection in case the present FIR is quashed. It is further submitted that no injury has been declared as dangerous to life and Section 307 IPC has been wrongly added. It is stated that the petitioner has been attributed a *lalkara* and also an injury which

recovery of iron rod has already been effected from the present petitioner and the petitioner has been in custody since 29.04.2022 and since the challan has not been presented, thus, the presentation of challan and enquiry would take time.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner is involved in 4 other cases and is a habitual offender.

Learned counsel for the complainant has reaffirmed the fact that the matter has been compromised and the compromise (Annexure P-2) is a genuine document and has been executed with free will and without any coercion, between the parties. It is submitted that the complainant has no objection if the present petition is allowed and the petitioner is granted concession of regular bail.

Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard learned counsel for the parties and has

perused the paper book.

Keeping in view the above said facts and circumstances moreso, the fact that the matter has been compromised and none of the injuries suffered by the injured Vishal has been declared as dangerous to life so as to attract Section 307 IPC and also keeping in view the custody period of the petitioner, 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.

(VIKAS BAHL)
JUDGE

November 14, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No