

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(236)

CRM-M-54496-2022

Date of decision: - 30.11.2022

Simranjit Singh @ Pappu

....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. Ketan Antil, Advocate
for Mr. Rahul Bhargava, Advocate
for respondent No.2.

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 not been attributed any specific injury. It is further stated that no recovery has been effected from the present petitioner and the petitioner has been in custody since 24.09.2022 and since the challan has not been presented, thus, the presentation of challan and enquiry would take time. It is also submitted that the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition for regular bail.

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.

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.

November 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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