

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-58913-2022 (O&M)

Date of decision: 21.12.2022

SUKHPREET SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Munish Garg, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG Punjab.

Mr. Munish Kamboj, Advocate
for the respondent No.2.

AMAN CHAUDHARY. J.

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.0403 dated 15.09.2022, under Sections 307, 379-B, 323, 506, 148 and 149 of the IPC (Section 325 IPC added later on), registered at Police Station City Barnala, District Barnala.

Learned counsel contends that the petitioner is in custody since 15.09.2022. Petitioner was not named in the FIR. He submits that the matter has since been amicably settled between the parties, on account of which CRM-M-58943-2022 has been filed by the petitioner and other co-accused for quashing of the FIR by way of compromise, wherein notice has been issued and direction has been passed to get the statements of the parties recorded. Challan has been presented on 14.12.2022. In all there are 15 prosecution witnesses to be examined. No firearm in this case was used. Though there is a head injury, however the same

was declared as simple.

Learned counsel for the complainant affirms the aforesaid submission made by the learned counsel for the petitioner and has no objection in case the petitioner is ordered to be released on bail.

Learned State counsel opposes the bail on the ground that the FIR was registered under Section 307 IPC, however, he is unable to controvert the submissions made by the learned counsel for the petitioner.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 15.09.2022; he was not named in the FIR; the matter has been amicably settled between the parties and petition for quashing the FIR on the basis of compromise has been filed, wherein the parties have been directed to get their statements recorded; challan has been presented; in all there are 15 witnesses; the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, 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. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
 - 8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.
- It is made clear that in case of any infraction of any of the aforesaid

conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

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

December 21, 2022

S.Sharma(syr)
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No