

213 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15604-2023
Date of decision 11.04.2023

GURPREET SINGH @ GOPI

...Petitioner

Verses

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J (Oral):

The present is a second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.48 dated 19.05.2021 under Sections 307, 324, 323, 34 IPC registered at Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner has submitted that it is a case where the petitioner is in custody since 11.06.2022 which is almost 10 months and investigation has been completed. The charges were framed on 22.11.2022 and thereafter no prosecution witness has been examined. He further submitted that the petitioner is not involved in any other case and even otherwise also the role attributed to the petitioner, as per the FIR, was hitting a stick blow on the chest of the complainant. He further submitted that since the petitioner was falsely implicated and not involved in the present case, a compromise has been effected between the parties (Annexure P-5). He submitted that considering the aforesaid facts and circumstances, the petitioner be considered for grant of regular bail.

On the other hand, learned State counsel submitted that the

petitioner is in custody for about 10 months and now the case is fixed for

prosecution evidence after the commencing of the judicial proceedings and also submitted that it is correct that the petitioner is not involved in any other case. She submitted that so far as the factum of the compromise is concerned, she has no knowledge with regard to the same and even otherwise also there can be no compromise for the offence under Section 307 IPC.

I have heard the learned counsel for the parties.

The petitioner has already faced incarceration for about 10 months. The investigation of the case has been completed and charges have been framed. The petitioner is stated to be not involved in any other case.

This Court does not wish to make any observation with regard to the enforceability of compromise, if any. The role attributed to the petitioner was hitting by stick blow on the chest of the complainant and the investigation of this case has already been completed and the petitioner is ready to face the trial and furthermore, it is not the case of learned State counsel that in case the petitioner is released on bail then he may flee from justice or; influence any witness.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed herein above shall not be treated as an expression of opinion on merits of the case & is only meant for the purpose of decision of present petition

(JASGURPREET SINGH PURI)
JUDGE

11.04.2023
neelam