

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-7259-2023 (O&M)

Date of Decision: 5.5.2023

Anil Kumar @ Rocky

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S.Thakur, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

Mr. Manoj Pundir, Advocate,
for the complainant.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.135 dated 17.7.2021 registered for the offences punishable under Sections 307, 323, 324, 452, 506, 34 IPC (Section 201 IPC added later on) at Police Station Basti Bawa Khel, District Jalandhar Commissionerate.

2. The prosecution story in brief is that on 12.7.2021 at about 8:30 p.m., complainant-Sham Lal went to the house of his partner Ramesh Kumar where his wife Champa Devi and his son Ayush were present and in the meantime, petitioner-Anil Kumar, who is brother-in-law of the complainant, came there along with Ajay Kumar and Vicky Dhir and they attacked the complainant with different weapons and at that time, Ajay Kumar handed over his knife to the petitioner and then the petitioner gave knife blow to the complainant, as a result of which, the complainant fell

down and became unconscious. During investigation, the petitioner was arrested by the police.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody since 7.1.2023 and recoveries are already effected in the case and after completion of investigation, challan has been presented but it will take considerable time for the trial to conclude.

4. Counsel for the petitioner further submits that now the matter has been compromised and the concerned affidavit of the complainant is Annexure P-3.

5. Mr. Manoj Pundir, Advocate, who has put in appearance on behalf of the complainant and filed his power of attorney, has admitted the factum of compromise and pleaded no objection if the present petition is allowed.

6. However, the present petition is resisted by the State counsel who submits that main injury covered under Sections 307 IPC has been attributed to the present petitioner and that trial is yet to commence and that charges are yet to be framed and only thereafter, the trial will commence.

7. I have considered the submissions made by the counsel for the parties.

8. Admittedly, the petitioner is arrested during investigation of this case and is presently lodged in judicial custody and after completion of investigation, challan has been presented. However, it appears that complainant, who is closely related to the petitioner, has effected compromise in the present matter. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any

further period.

9. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 5, 2023
Paritosh Kumar

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