

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-8580-2023 (O&M)
Date of decision: 19.04.2023

Sachin

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab.

Mr. Jatinder Singh Gill, Advocate for the complainant/injured.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.69 dated 21.03.2020, registered at Police Station Gate Hakima, Amritsar, under Sections 307, 506, 148 and 149 IPC and Section 25 of the Arms Act, the earlier bail petition being dismissed on merits by this Court 19.04.2022.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner was declared as a proclaimed offender on 03.02.2021 and thereafter, he was arrested on 08.02.2021; that the petitioner has been in custody since 09.02.2021; that now a compromise has been effected between the parties on 23.01.2023; that none

of the prosecution witnesses have been examined as yet; that as far as another case under the Excise Act against the petitioner is concerned, he is on bail in that case and that similarly situated co-accused, namely, Vikas Malhotra and Sahib @ Sujal Mattu have since been granted the concession of regular bail by a Coordinate Bench of this Court.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner along with other co-accused has given fire shot injury on the abdomen of injured-Manju Devi (mother of the complainant). However, she does not dispute the custody period of the petitioner and the factum of compromise effected between the parties. She submits that out of 31 prosecution witnesses, none has been examined.

Learned counsel appearing for the complainant/injured submits that the complainant/injured as well as the accused party, are from the same locality and does not dispute the factum of compromise effected between them.

I have heard the learned counsel for the parties.

Though there is serious allegation against the petitioner and other co-accused that they have inflicted injuries on the persons of victims, namely, Manju and Karan and at one stage, the petitioner was declared as a proclaimed offender but the fact remains that the petitioner has been in custody for the last more than 02 years and 02 months and now the matter has been compromised between the parties. In another case, the petitioner is on bail. Similarly placed two co-accused are on bail. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time.

Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

(HARNARESH SINGH GILL)
JUDGE

19.04.2023
Mangal Singh

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