

212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11570-2023

Date of Decision: 14.03.2023

MOHINDER SINGH @ MOHINDER HALWAI... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Piyush Sharma, Advocate, for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Aman Kumar, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 522 dated 30.12.2022 under Sections 326, 324, 323 and 34 IPC registered at Police Station City Ferozepur, District Ferozepur.

Custody certificate has been placed on record.

Briefly, as per the allegations, on 26.12.2022, Daleri, the son of the petitioner had inflicted two kapa blows on the person of the complainant and the petitioner had inflicted 5/6 base ball bat blows upon the complainant.

Learned counsel for the petitioner contends that the injury under Section 326 IPC has not been attributed to the petitioner. The petitioner is in custody for a period of 1 month and 22 days. The petitioner has been remanded to judicial custody and the dispute has been amicably settled between the parties. Annexure P-2 is the affidavit of the complainant to indicate that the matter has been amicably settled. The petitioner and the complainant are also contemplating to institute a petition for quashing the FIR on the basis of compromise.

Learned State counsel has opposed the bail application on the score that there are 08 injuries on the person of the complainant/injured and the co-accused Daleri, the son of the petitioner is yet to be arrested.

Learned counsel for the complainant has not disputed the factual assertions as put forth by the learned counsel for the petitioner.

In the instant case, the injuries under Section 326 IPC have not been attributed to the petitioner. His arrest was effected on 19.01.2023. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. A compromise has also been effected between the parties and they are contemplating to institute a petition for quashing the FIR on the basis of compromise. The recovery of base ball bat has also been effected. The matter is still at the stage of investigation.

In these set of circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

14.03.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No