

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15911 of 2023
Date of decision : 23.08.2023

Gurlal Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Devansh Khanna, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (Oral)

The present second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.58, dated 03.03.2022, under Sections 323, 324, 295, 341, 34 IPC, 1860 (Section 307 IPC 1860 added subsequently), registered at Police Station Cantonment, District Police Commissionerate, Amritsar.

As per the facts of the case, Jaspal Singh, son of Balkar Singh got recorded his statement before the police wherein it was alleged that he was running the Mini bus in the name of Aulakh Mini bus. He has submitted that on the date of occurrence i.e. 22.02.2022, accused Gurlal Singh, son of Angrej Singh, who also runs other private bus, was driving his bus. The complainant made objection regarding the timing of the buses, on which the dispute arose between both the sides. He has submitted that

brother of petitioner, namely, Ajaypal Singh started abusing the complainant and in the meantime, Gurlal Singh took out an iron rod and gave a blow on his head. On account of which, he fell down on the ground and blood started coming out. Ajaypal Singh gave a blow with a baseball bat. Request was made to take legal action. On the basis of the complaint, a formal FIR was registered and investigation commenced. During investigation, the injured was medically examined and petitioner was arrested on 25.11.2022. The petitioner approached the learned Additional Sessions Judge, Amritsar praying for grant of bail. However, after hearing both the sides, learned Additional Sessions Judge declined the same vide order dated 06.01.2023. Aggrieved by the same, petitioner has approached this Court praying for grant of regular bail by filing a petition bearing CRM-M No.4012 of 2023. However, the same was dismissed as not pressed vide order dated 31.01.2023. Hence, the petitioner is before this Court again by way of filing the present second petition.

It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He submits that occurrence in this case has taken place on 22.02.2022 whereas the FIR has been registered after a delay of 09 days i.e. on 03.03.2022. He submits that delay in lodging the FIR is totally unexplained and thus, FIR has been lodged on the basis of a coloured version. He further submits that the ocular version is not even medically corroborated and thus, the offence under Section 307 IPC is also not made out. He submits that in all there are three accused, two of them have already been granted bail. He has further submitted that originally the FIR was registered for the offences under

Sections 323, 324, 295, 341 & 34 IPC and Section 307 IPC was added later on. He submits that now during the pendency of the trial, the parties have also compromised the dispute and have decided not to pursue the proceedings in the FIR. He submits that even otherwise the petitioner is behind bars since the date of his arrest i.e. 25.11.2022 and investigation is complete. Thus, challan has been presented and charges are framed. He submits that no prosecution witness has been examined till date and the petitioner has no criminal antecedents and thus, in the overall facts and circumstances of the case, he deserves to be granted the concession of bail.

Learned counsel for respondent No.2 has affirmed the submissions made by learned counsel for the petitioner that both the sides have amicably resolved the dispute by way of compromise.

Learned State counsel, on the other hand, has opposed the submissions made by learned counsel for the petitioner. She has submitted before this Court that there are specific allegations against the petitioner as he has given iron rod blow on the head of complainant which has resulted in constituting the offence under Section 307 IPC. She further submits that out of three accused, rest of two have been enlarged on bail. She has further submitted as per instructions that the petitioner has no criminal antecedents and out of 14 prosecution witnesses, none of the witness has been examined so far and the next date before the trial Court is 29.08.2023. She submits that the compromise arrived at between the parties has no value as the offence is non compoundable.

I have heard learned counsel for the parties and perused the

record.

Evidently, the petitioner is behind bars since 25.11.2022. Out of three accused, two are already on bail. The occurrence in question as submitted before this Court has taken place on 22.02.2022 and FIR was lodged nine days thereafter on the statement made by Jaspal Singh. The investigation is complete and the charges are also framed. It has been submitted before this Court that compromise has been arrived at between the parties and they have decided to bury the hatchet. Keeping in view all this Court would not like to go into the legality of the same. However, there is nothing on record to show that the petitioner has any criminal antecedents.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

23.08.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No