

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-24677-2023 (O&M)

Date of decision: 14.07.2023

Balwant Singh @ Kaku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Vipin Mahajan, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 47 dated 19.06.2019, registered under Sections 323, 324, 341, 336, 379, 427, 148, 149 of the IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station Bhaini Mian Khan, District Gurdaspur.

The first petition, bearing CRM-M-12705-2021, was disposed of on 28.07.2021 with liberty to petitioner to file a fresh petition for grant of regular bail after surrendering before the trial Court.

Learned senior counsel, at the very outset, submits that the custody of the petitioner is 05 months and 28 days and he is not involved in any other case. It is further submitted that the petitioner remained on interim bail for a considerable long time, however, he has not misused the same in

any manner and no complaint was there against the petitioner.

Learned senior counsel further submits that the injury, attributed to the petitioner, was on non-vital part of the body and it was a case of sudden provocation.

Learned senior counsel further submits that the matter has been amicably settled between the parties as they are residing in the same vicinity and in view of the same, there is no possibility of conviction of the petitioner.

Learned State counsel, instructed by SI Satnam Singh, has filed the custody certificate and has not disputed the factual position. As per custody certificate, the custody of the petitioner is 05 months and 28 days and he remained on interim bail from 20.08.2021 to 05.04.2023, when he surrendered before the trial Court.

Learned counsel, appearing for the complainant, has acknowledged the factum of compromise between the parties. He has not disputed the fact that the petitioner never misused the concession of interim bail.

In view of the above, without commenting upon the merits of the case, considering the aforesaid facts, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

14.07.2023

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*