

225 (2nd case)

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

**CRM-M No.28319 of 2023 (O&M)
Date of Decision: 21.11.2023**

Jasbir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mrs. R.K.Grewal, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab for the respondent.

Ms. Gurkamal Kaur, Advocate for
Mr. Raj Karan Brar, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.0003 dated 04.01.2023, under Sections 323, 148 read with Section 149 of the Indian Penal Code, 1860 (Section 308, IPC added later on), registered at Police Station Hathur, District Ludhiana.

(2) Status Report by way of affidavit dated 15.11.2023 of Sh. Rachhpal Singh, DSP, Raikot, District Ludhiana (Rural) in compliance of order dated 05.07.2023 has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(3) This Court, vide order dated 05.07.2023, granted interim bail to the petitioner and the same reads as under:-

“Contends that co-accused (Jasbir Singh) has been granted the concession of pre-arrest bail vide order dated 03.07.2023 passed in CRMM-31149-2023 and the matter stands compromised between the parties at their own level.

Learned State counsel seeks time to verify the factum of compromise.

Posted on 17.08.2023.

In the meantime, petitioner is ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

To be heard along with CRM-M-31149-2023.”

(4) Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below and the matter has been compromised between the parties at their own level.

(5) Learned Counsel for the complainant duly acknowledged the factum of compromise; but learned State Counsel is not aware about the same.

(6) Be that as it may, since learned Counsel for the complainant is not raising any objection and petitioner is stated to be regularly appearing before the Court below. There is no allegation that petitioner has ever misused the concession of interim bail; thus, in such a scenario, sending him in custody at this stage would not serve any purpose.

(7) Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 05.07.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

- (8) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
- (9) The above observations may not be construed as an expression of opinion on the merits of the case and legality/validity of the compromise arrived at between petitioner as well as complainant.
- (10) It is clarified that in case there is any misuse of concession on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (11) Disposed off accordingly.
- (12) Pending application(s), if any, shall also stand disposed off.

November 21, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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