

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

CRM-M-39564-2023

Date of Decision:18.08.2023

Amandeep Sharma

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr. P.C. with a prayer to grant regular bail to him in case FIR No.88 dated 08.05.2023 under Sections 307, 148,149 of IPC and under Section 25/27 of the Arms Act, registered at Police Station Chheharta, District Amritsar (Annexure P-1).

2. As per the case of the prosecution, at about 09:00 P.M on 08.05.2023, when the complainant was working in the rice sheller, he received a phone call from his son Prince, that he was coming back to his house. However, on the way, Amandeep Sharma and Hardeep Singh stopped him and started abusing him and caused him injuries. At about 10:00 PM, Amandeep Sharma, Hardeep Singh and Raju along with unidentified persons came outside his house on motorcycles and scooters. Amandeep Singh fired a shot, which hit on his left thigh and Hardeep Singh fired a shot, which hit on the shoulder of Sania, neighbour. Several persons gathered at the spot and the accused fled

away from the spot with their respective weapons.

3. Learned counsel for the petitioner contends that during the course of hearing, the complainant has changed his version and only the presence of the petitioner was shown at the place of occurrence. Learned counsel further contends that the petitioner and Shubham are closely related and now with the intervention of the respectables the matter has been compromised and a compromise deed dated 28.06.2023 (Annexure P-2) has been signed by the parties in this regard. Learned counsel further contends that the petitioner was arrested in the present case on 12.05.2023 and is in custody since then. Learned counsel further contends that the challan has been presented in the present case and the charges are yet to be framed and the Trial Court may take considerable time in concluding the trial. Even otherwise, the matter has been compromised between the parties and chances of conviction of the petitioner are bleak and his further custody will serve no meaningful purpose.

4. On the other hand learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that a specific role of fire shot has been attributed to the present petitioner and one more case under Section-21 of the NDPS Act has already been registered against the petitioner and he is not entitled to the concession of bail. However, learned State counsel admits that the petitioner is on bail in the other case.

5. I have heard the learned counsel for the parties and with their able assistance, I have perused the record carefully.

6. As per the initial case of the prosecution, the petitioner had fired shot which hit on the left thigh of the complainant, which is a non-vital part of

his body. Apart from that the petitioner was arrested in the present case on 12.05.2023 and the matter has been amicably resolved between the parties. Even the injured have been discharged from the hospital long back and the custody of the petitioner will serve no meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

18.08.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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