

CRM-46252-2023 in/and CRM-M-43677-2022

(108+216)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-46252-2023 in/and
CRM-M-43677-2022
Date of Decision: 07.11.2023

RANJIT SINGH ALIAS RANA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. H.S. Multani, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

Mr. Harmanpreet S. Mandan, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

CRM-46252-2023

The present application has been filed by the applicant-petitioner for impleading Balvir Singh son of Kartar Singh, resident of Kalala, Tehsil and District Barnala as party respondent No.2.

For the reasons mentioned in the application, the same is allowed and Balvir Singh son of Kartar Singh, resident of Kalala, Tehsil and District Barnala is impleaded as party respondent No.2.

CRM-46253-2023

The present application has been filed by the applicant-petitioner for placing on record compromise and affidavit both dated 11.10.2023 as Annexures P-8 and P-9.

For the reasons mentioned in the application, the same is allowed and Annexures P-8 & P-9 are taken on record.

CRM-M-43677-2022

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.29 dated 21.05.2022 registered under Sections 307, 427, 336, 338 of IPC read with Sections 27/54/59 of Arms Act (Section 307 IPC deleted later on) at Police Station Mehal Kalan, District Barnala..

2. The present FIR came to be registered with the allegations that the petitioner had fired at the complainant-Balvir Singh with his licenced revolver with an intention to kill him.

3. The learned counsel for the petitioner contends that during the pendency of the present proceedings, a compromise has been arrived at as was apparent from Annexures P-8 and P-9. The petitioner was in custody since 23.05.2022 but had been granted the concession of interim bail by this Court vide order dated 20.10.2023 which concession he had not misused. None of the 23 prosecution witnesses had been examined so far and therefore, as the Trial was not likely to be concluded anytime soon, the petitioner was entitled to the concession of bail.

4. A status report dated 07.11.2023 by way of an affidavit of Kanwalpal Singh, PPS, Deputy Superintendent of Police, Mehal Kalan, District Barnala has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. She contends that the petitioner was the main accused. He had shot at the complainant with his licenced weapon. Therefore, he was not entitled to the concession of bail. She,

however, concedes that the petitioner was in custody since 23.05.2022, none of the 23 prosecution witnesses had been examined so far and that a compromise has been arrived at between the parties.

5. The learned counsel for the complainant admits that a compromise has been arrived at between the petitioner on the one hand and the complainant on the other. He further states that he has no objection if the petitioner is granted the concession of bail.

6. I have heard the learned counsel for the parties.

7. On 20.10.2023, the following order was passed:-

"1. This application has been filed for grant of interim bail to the petitioner for one month for getting surgery done.

2. Status report along with medical report of petitioner filed by learned State Counsel is taken on record. Copy supplied to the learned counsel for the petitioner. The relevant paragraph No.3 is reproduced below :-

"3. That the petitioner has filed the present petition seeking bail on medical grounds. A report with regard to the medical condition of the applicant-petitioner was sought from the Medical Officer, District Jail Barnala. The Medical Officer condition of the applicant- petitioner was sought from the, District Jail Barnala issued medical report dated 17.10.2023 in this regard stating therein as under:

"It is for your kind information that the above said inmate in subject is a known case of Diabetes mellitus along with history of Bariatric Surgery in past. Currently, inmate complain of pain in scrotal region for which inmate referred to Civil Hospital for surgical opinion. Where USG done and inmate diagnosed with right epididymal cyst along with Hydrocoele. Inmate also remain admitted at Civil Hospital Barnala for these complain. From where inmate referred to higher centre, Rajindra Hospital, Patiala for further and Urologist opinion and surgeon has advised for excision of cyst under S.A. This is for your information please."

Copy of medical report of the Jail Medical Officer, District Jail, Barnala is attached as Annexure R-I.”

3. Learned counsel for the parties submits that the matter has been compromised between the parties and petition for quashing of the FIR is pending in this Court.

4. In view of the medical report, the application is allowed and the applicant/petitioner is granted three weeks interim bail on furnishing of bail/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate.

5. The applicant will surrender back to the jail authorities immediate after completion of three weeks.”

8. The petitioner has placed on record a compromise deed (Annexure P-8) and an affidavit (Annexure P-9) as per which the parties have effected a settlement. Further, none of the 23 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this scenario, the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the interim order dated 20.10.2023 granting interim bail to the petitioner is made absolute subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

07.11.2023

JITESH

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