

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 50293-2022 (O&M)
Date of Decision: 17.02.2023

Narinder Kumar

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Amandeep Saini, Advocate
for the petitioner.

Mr. P. S. Grewal, DAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 07 dated 07.02.2022, under Sections 307, 450 IPC and Section 25, 54, 59 of Arms Act registered at Police Station SBS Nagar.

Learned counsel for the petitioner contends that the petitioner is in custody since 16.05.2022. As per the allegations levelled in the FIR, the petitioner during a scuffle with the complainant Sandeep Kumar fired at him with a pistol and even gave gun-shot injuries on his back. Learned counsel for the petitioner contends that the petitioner has been falsely

implicated in the present case as he had no weapon in his possession and there is no injury on any vital part of person of the complainant. He further submits that the matter has been amicably settled between the parties to the dispute and nothing further is to be recovered from the petitioner and the challan stands presented and out of total 25 witnesses none has been examined till date and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate filed by the respondent State is already available on the record.

At this stage, Mr. Kulbir Singh, Advocate has appeared and filed power of attorney on behalf of the complainant. He submits that the matter stands compromised between the parties and the complainant has no objection in case the concession of bail is granted to the petitioner.

Per contra learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however, does not dispute the fact that the challan stands presented on 12.08.2022 and the charges were framed on 26.09.2022.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 19.05.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the matter has already been compromised between the parties and the challan stands presented, there are no other

antecedents against the petitioner and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

17.02.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>