

CRM-M- 56942-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 56942-2022 (O&M)

Date of Decision: 05.05.2023

Prabhjot Singh

... Petitioner

V/s.

State of Punjab and another

... Respondents

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

Present : Ms. Riffi Birla, Advocate for
Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

CRM-19842-2023

The instant application has been filed for withdrawal of the
main petition.

Learned counsel for the petitioner seeks permission to
withdraw the present application and does not press the same.

Application is dismissed as not pressed.

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Petitioner has prayed for grant of regular bail under Section 439
Cr.P.C. in case FIR No. 113 dated 11.09.2022, under Sections
459,325,382,323,34 IPC registered at Police Station Khuian Sarwar, District
Fazilka during pendency of the trial.

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Learned counsel for the petitioner contends that the petitioner is in custody since 11.09.2022. The allegations qua the petitioner are that he along with two other men entered the shop of the complainant and gave rod blows to him as he was not giving him goods on credit. He submits that the petitioner has been falsely implicated in the present case as nothing is to be recovered from the petitioner. He further submits that the matter stands compromised between the parties and a copy of the Affidavit dated 01.05.2023 has also been supplied in the Court, wherein it is stated that the matter stands compromised between the parties and the complainant Om Parkash has no objection in case the FIR dated 113 dated 11.09.2022 under Sections 459,325,382,323,34 IPC is quashed. It is submitted that the challan stands presented, though the charges are yet to be framed and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from ASI Harvinder Singh, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and he is involved in one more case, however, does not dispute the fact that the challan stands presented and the petitioner is on bail in the said case.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 11.09.2022.

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

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of free and fair trial. Further, since the challan stands presented and no recovery is to be effected from the petitioner and the matter stands compromised between the parties to the dispute 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

05.05.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No