

(221) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-567-2023

Date of Decision: 13.01.2023

BALWINDER SINGH @ BILLA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ranjeet K. Jaswal, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.235 dated 27.12.2019, registered under Sections 326, 325, 148 and 149 IPC and Section 307 IPC (added later on), at Police Station Chattiwind, District Amritsar Rural.

2. The learned counsel for the petitioner contends that as many as nine accused have been arraigned in the present case. Earlier a compromise was effected between the parties. On the basis thereof, a petition for quashing of the FIR was also filed. However, during the pendency of that petition, the complainant passed away. Rajwinder Kaur, wife of the complainant, has sworn an affidavit dated 31.08.2022 qua effecting of compromise with the accused.

3. The learned counsel further contends that there is a delay of 01 month and 27 days in lodging the FIR; an injury on the back of the head of

the complainant, with a *Kirpan*, has been attributed to the petitioner. The petitioner has been in custody since 09.07.2022. He further contends that there is a delay of one month in the registration of the FIR. The co-accused of the petitioner namely, Malkit Singh and Lovepreet Singh alias Labha have been granted the concession of regular bail vide order dated 16.11.2022 passed in CRM-M-49227-2022 and CRM-M-40493-2022. Therefore, the further incarceration of the petitioner was not required.

4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner contends that the petitioner is the main accused having actively participated in the occurrence. He however, does not deny the fact that a compromise has been effected between the parties as also the fact that two of the co-accused have been granted the concession of regular bail.

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

6. The challan has already been presented. Earlier, a compromise was effected between the parties and in pursuance thereof, a petition for quashing of the FIR was also filed. However during pendency of that petition, the complainant passed away. Now, the wife of the complainant has sworn an affidavit qua the compromise effected.

7. Moreover, the petitioner has been in custody since 09.07.2022. The Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

8. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner-Balwinder Singh @ Billa son of Sulakhan Singh is

ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.01.2023

JITESH

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