

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2850-2024
Date of decision: 24.01.2024

AMIT MAHAJAN....PETITIONER(S)

Versus

STATE OF PUNJAB....RESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vishal Munjal, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

SANJIV BERRY, J.(ORAL)

By way of present petition filed under Section 439 Cr.P.C, the
petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
0115	11.11.2023	304, 34 of IPC	Division No.1, District Pathankot.

2. It is, *inter alia*, contended by learned counsel for the petitioner that the construction work was going on in the property of the petitioner which he had allocated to some contractor and in the meanwhile, this mishap occurred on 11.11.2023, as a result whereof, the son of complainant sustained injuries and died. He submits that the petitioner has been arrested on 11.11.2023 and is in custody. He further submits that the challan has already been presented and as such the petitioner is not required for further investigation. He further submits that in the meanwhile, compromise (Annexure P-3) has been effected between the

parties on 22.12.2023 and appropriate compensation has been paid to her.

Hence, prayed for grant of regular bail.

3. Learned State counsel has filed the custody certificate dated 23.01.2024, which is taken on record. He has not disputed the factual matrix.

4. Mr. Sunil Agnihotri, Advocate, has put in appearance on behalf of the complainant and filed power of attorney, which is taken on record. The complainant- Uma Devi, is also present in Court and has admitted the factum of compromise and having received the compensation and has pleaded no objection in case regular bail is granted.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner is in custody in this case since 11.11.2023 and there is no other case registered against the petitioner. Admittedly, the challan has been presented in the trial Court meaning thereby the petitioner is no more required for further investigation. The conclusion of trial will take sufficient time and no purpose would be served by retaining the petitioner in custody any longer especially keeping in view the submissions suffered by learned counsel for the complainant and also the compensation having been received by the complainant.

6. Considering all the facts and circumstances, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

7. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly

appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petition stands allowed.

(SANJIV BERRY)
JUDGE

24.01.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |