

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

261

2024:PHHC:033342

CRA-S-327-2024

Date of decision: March 7th, 2024

Gurdas Singh @ Gashi

.....Appellant

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bikramjeet Singh Jatana, Advocate
for the applicant-appellant.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The appellant is impugning the order dated 01.12.2023 passed by learned Additional Sessions Judge, Mansa, whereby his application under Section 439 Cr.P.C. for grant of bail in case FIR No.62 dated 17.07.2023 under Sections 307, 323, 324, 326, 34 of the Indian Penal Code, 1860 and Section 3(1)(r) and 3(1)(s) of the SC & ST Act, registered at Police Station Joga, District Mansa, has been dismissed.

2. Learned counsel for the appellant, *inter alia*, contends that the appellant has been in custody since 19.07.2023 and after the charges were framed, none of the prosecution witnesses had been examined till date. Hence, there was no possibility of the trial concluding in the near future. It has also been further submitted that subsequent to the registration of the FIR, which as per the learned counsel, had been lodged on the basis of some misguided suspicion and misunderstanding, the parties had arrived at an amicable settlement, for which the parties would be approaching this Court

under Section 482 of the Cr.P.C. for quashing of the FIR. A prayer has, therefore, been made in the aforementioned facts and circumstances to extend the concession of bail to the appellant as his further incarceration would be of no avail.

3. Mr. Rahul Garg, Advocate, has entered appearance on behalf of the complainant and has filed his power of attorney, which is taken on record. He does not dispute the submissions made by the counsel opposite with respect to the parties having indeed compromised the matter. He also does not oppose the prayer made by the counsel opposite for enlarging the appellant on bail.

4. Learned State counsel has also not disputed the stage of the trial and has, on instructions, submitted that the case is now fixed for today before the trial Court.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In the facts and circumstances as enumerated hereinabove, further incarceration of the appellant would serve no useful purpose. Accordingly, the instant appeal is allowed. The appellant be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 7th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No