

2024:PHHC:013911

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-4310-2024

Date of Decision :February 01, 2024

HARNEK SINGH ALIAS NEKA

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Harmanjit Singh Thiara, Advocate
for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.80, dated 22.10.2023, under Section 307 of the IPC, registered at Police Station Nurmahal, District Jalandhar, in view of the compromise dated 15.01.2024 (Annexure P-1).

2. The instant FIR was lodged on the behest of one Budh Singh, son of Joginder Pal, stating therein, that he was working as a mason by profession, and on dated 19.10.2023, at about 11:00 P.M. he alongwith Sukhwinder Singh alias Sukha and Gurkirat Singh alias Gagan, were on duty at GNA Factory, where the present petitioner was roaming in drunken condition, and starting quarlling with him. However, at that time the matter was pacified with the intervention of Sukhwinder Singh and Gurkirat Singh, who were present at the spot. Thereafter, a security guard of the factory called the present complainant, and told that

someone has come to meet him, upon which the complainant went outside, where Harnek Singh (present petitioner), was present, with a knife in his hand, and he caused injuries to the complainant by stabbing in his abdomen. On the basis of the abovesaid statement of the complainant, the instant FIR was registered, and weapon of offence i.e. knife was recovered from the present petitioner.

3. Learned counsel for the petitioner seeks the asked for relief solely on the ground that the matter has now been compromise between the parties vide compromise dated 15.01.2024 (Annexure P-1).

4. Notice of motion.

5. Mr. Jashandeep Singh, AAG, Punjab, accepts notice on behalf of respondent-State and waives service.

6. Mr. D.S.Nigha, Advocate, has caused appearance on behalf of respondent no.2/complainant, through a validly executed *vakalatnama* in his favour. The same is taken on record. He admits the factum of the compromise.

7.. On the other hand, learned State counsel has placed on record a custody certificate *qua* the petitioner, which is taken on record, and, it reflects that the petitioner has suffered incarceration of 2 months and 13 days as on today and, he is not involved in any other criminal case.

8. Learned State counsel, on instructions imparted to him by ASI Varinder Singh, informs this Court that the investigation in the case is in progress and the final report is yet to be presented before the learned

Illaqa Magistrate concerned.

9. Considering the fact that the matter has been compromised between the parties, and, petitioner and the complainant/respondent no.2 belonging to the same village, coupled with the fact that learned counsel appearing for the complainant has given no objection in case the petitioner is granted the concession of regular bail, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

February 01, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No