



CRM-M-6326-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(219)

CRM-M-6326-2024
Date of Decision : 29.10.2024

Rajan Bhandari @Shery ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Gurmandeep Singh, Advocate
for the respondent No.2/complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 439 of Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.112 dated 02.05.2021 (Annexure P-1), under Section 307, 452, 148 and 149 of the IPC, 1860, and under Sections 25 and 27 of the Arms Act, 1959, registered at Police Station City Ferozepur, District Ferozepur, Punjab.
2. The petitioner, who is stated to be involved in 15 other cases, seeks the relief of regular bail in FIR (supra), primarily on the ground that the matter has now been compromised between the parties concerned.

ALLEGATIONS AGAINST THE PETITIONER

3. The instant FIR (supra), has been registered, on the complaint made by one Adarsh Sharma, son of Raman Kumar Sharma, that the petitioner along with other co-accused on 01.05.2021, at about 9:30 PM, armed with pistols, forcibly entered the complainant's house and started firing

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shots with an intention to kill the complainant. The complainant suffered four gunshot injuries, one hit the left thigh, one shot hit above scrotum, and one shot hit on the back of his right thigh. Thereafter, the petitioner, along with other co-accused fled away from the spot.

SUBMISSION OF LEARNED COUNSEL FOR THE PETITIONER

4. On asking for the relief (supra), learned counsel for the petitioner submits that the petitioner is behind the bars for the last about 03 years, and has suffered incarceration of more than 02 years and 11 months, as on today, and till date, charges have not been framed. He further submits that the petitioner is involved in 15 other cases, however, considering the period of incarceration, and the stage of trial, the right to speedy trial, as envisaged under Article 21 of the Constitution of India, cannot be curtailed. He next submits that the matter has now been compromised with the complainant. He has also placed reliance on the compromise/affidavit of the complainant, dated 15.09.2021 (Annexure P-1/A). He in addition submits that the co-accused Gagan @ Gagan Shooter, Mohit Gill and Michal @ Kali @ Michael Bhandari, have already been extended the relief of regular bail, by this Court, vide orders dated 29.04.2024, 05.09.2024 and 07.12.2023, passed in CRM-M-19661-2024, CRM-M-36822-2024 and CRM-M-22825-2023, respectively, to submit that the case of the present petitioner is on co-equal pedestal, with the accused in that case.

SUBMISSION OF LEARNED STATE COUNSEL

5. Learned State counsel has placed on record the custody certificate dated 28.10.2024, qua the petitioner, today in the Court. The same is taken on the record.

6. By placing reliance on the criminal antecedents of the petitioner,

learned State counsel submits that the petitioner does not deserve the



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concession of regular bail, and has opposed the same. However, he submits that till date, charges have not been framed, and the prosecution has cited total 21 witnesses, in the final report.

7. Mr. Gurmandeep Singh, Advocate has caused appearance on behalf of the complainant and has filed his power of attorney, today in the Court. The same is taken on the record. He admitted the factum of compromise between the parties concerned, and raises no objection in case, the petitioner is granted the relief asked for.

8. This Court has heard the rival submission of learned counsel for the parties concerned, and is of the view that the instant petition is amenable to be allowed for the reasons extracted hereinafter :-

(i) that the petitioner has suffered incarceration of more than 02 years and 11 months, as on today;

(ii) that the trial is yet to begin, in the instant FIR, and charges have not been framed, as on date, and conclusion of the trial, would take a long time;

(iii) that the matter has not been compromised between the parties concerned;

DECISION

9. Though the petitioner is stated to be involved in 15 other cases, however, considering the period of incarceration of the petitioner, in the instant FIR, stage of trial, and the fact that the matter has now been compromised between the parties concerned, this Court is of the view that further incarceration of the petitioner, is not warranted at all, at this stage, and this Court deems it fit and appropriate, to enlarge the petitioner on regular bail. Accordingly, the instant petition is **allowed**.

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10. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

11. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

October 29, 2024
Manpreet

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