

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

CRM-M-7266-2024

Date of decision: 07.03.2024

Deepak Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Zorawar S. Chauhan, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Shubham Chandel, Advocate
for respondent No.2-complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.35 dated 24.02.2022 under Sections 307, 341, 323, 506, 148, 149 of the IPC (Section 427 of the IPC added lateron) registered at Police Station Daresi, District Police Commissionerate Ludhiana.

2. On the last date of hearing i.e. 16.02.2024, learned counsel for the petitioner had made the following submissions:-

“Learned counsel for the petitioner, inter alia, contends that the petitioner has been in custody since 19.12.2023 in a case of no injury. He submits that it was on account of a trivial dispute between neighbours with respect to the playing of loud music that the occurrence in question took place. It has been further submitted that allegedly the petitioner was armed with a sword and he along with co-accused, who too were armed with lethal weapons like iron rods and swords, attacked the complainant-injured, however, strangely he escaped with one injury. Learned counsel submits that it cannot be

digested that had the complainant been attacked by so many persons, he would have escaped only with a single injury, which too had admittedly not been attributed to the petitioner. Learned counsel has submitted that once there was no injury opined to be dangerous to life, the essential ingredients to attract the mischief of Section 307 of the IPC were not made out against the petitioner for which he deserved to be extended the concession of bail.”

3. Mr. Shubham Chandel, Advocate has entered appearance on behalf of respondent No.2-complainant and filed his power of attorney which is taken on record. He does not oppose the prayer made by the petitioner for being extended the concession of bail to him. He has not disputed the submissions made by learned counsel for the petitioner that it was on account of a trivial dispute between the neighbours that the occurrence in question took place and subsequently the matter had been amicably settled by them. Learned counsel has submitted that in view of the compromise having been effected between the parties, they would be approaching this Court under Section 482 of the Cr.P.C. for quashing of the FIR in question.

4. Learned State counsel, on instructions from ASI Nirmal Singh, has informed the Court that the petitioner has clean antecedents and is not involved in any other criminal case. He, on further instructions, has informed that charges are likely to be framed on the next date of hearing i.e. 14.03.2024.

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 particularly the matter having been compromised between the parties,

this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

07.03.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No