

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

CRM-M-9380-2024

Date of Decision : 01.04.2024

RAMESH KUMAR @ MESHI AND ANOTHERPetitioners

VERSUS

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.G.S.Simble, Advocate,
for the petitioners.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Tarun Singla, Advocate,
for respondent no.2.

KULDEEP TIWARI. J.(Oral)

1. On 27.02.2024, the following order was passed by this

Court:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners have sought the concession of pre-arrest bail, in case FIR No.323 dated 02.12.2023, under Sections 307/452/ 148/149 of the IPC, 1860, and, Sections 25/27 of the Arms Act, 1959, registered at P.S. Civil Lines Batala, District Batala.

2. The allegations against the present petitioners are that, they along with their co-accused intruded into the house of the complainant by scaling wall and thereupon, fired four gunshots towards the complainant, out of which, one of the gunshots hit the leg of the complainant. During the course of investigation, it has transpired that it was the petitioner No.2, namely, Gagandeep @ Poochi, who had fired the gunshots.

3. The learned counsel for the petitioner has submitted that the petitioners have been inadvertently nominated as accused in the present FIR, as is clear from the compromise (Annexure P-2), which is entered inter se the petitioners and the respondent No.2/complainant.

4. At this stage, Mr. Tarun Singla, Advocate, has caused appearance on behalf of the respondent No.2, and, admitted the factum qua compromise (Annexure P-2).

5. Be that as it may, insofar as the role attributed to the petitioner No.1- Ramesh Kumar @ Meshi is concerned, he is stated to be merely present with the main accused, i.e. petitioner No.2-Gagandeep @ Poochi. Consequently, this Court deems it appropriate to, on the bedrock of the compromise (Annexure P-2), grant the asked for relief to the petitioner No.1.

7. However, insofar as the role attributed to the petitioner No.2- Gagandeep @ Poochi is concerned, i.e. he had fired gunshots, this Court is not inclined to grant him the asked for relief.

8. At this stage, the learned counsel for the petitioners seeks leave to withdraw the instant petition qua petitioner No.2.

9. Permission granted.

10. Consequently, the instant petition is dismissed as withdrawn qua petitioner No.2.

11. Notice of motion.

12. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent No.1-State.

13. Mr. Tarun Singla, Advocate, accepts notice on behalf of the respondent No.2.

14. List on 01.04.2024 along with CRM-M-9182-2024.

15. In the meantime, the petitioner No.1 is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner No.1 shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Learned State counsel, on instructions imparted to him by the police official, submits that the petitioners have already joined the investigation in pursuance to the aforesaid order, and they have fully co-operated with the investigation process, and they are no more required for any further custodial investigation.

3. It is not under dispute that the matter has been compromised between the parties concerned, and there is no allegation against the petitioners in the instant FIR, that they were the persons who open fired on the complainant/victim.

4. In view of the specific stand taken by the learned State counsel, the present petition is **allowed**, and order dated 27.02.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

(KULDEEP TIWARI)
JUDGE

April 01, 2024
dharamvir

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