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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision:- 06.05.2024

Abdul Gufar @ Gufar and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sumit Puri, Advocate for the petitioners.
(through video conferencing)

Mr. Randhir Singh Thind, DAG, Punjab.

Mohd. Salim, Advocate for the complainant.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No. 10 dated 14.01.2024, under Sections 323, 341, 427, 506, 148 and 149 of the Indian Penal Code, 1860, (Sections 307 and 120-B of the Indian Penal Code added later on) registered at Police Station Malerkotla, District Malerkotla (Annexure P-1).
2. Learned counsel for the petitioners has submitted that the parties have compromised the matter. Learned counsel for the petitioners has vehemently argued that as per the allegations in the FIR, the only role attributed to them is that they gave fist blow and kick blows for which there is no cogent proof. More so, the main accused-Suhail Shah, who had given a blow of rod on the back side of the head of the victim and the accused-Butewala who gave blow with a basketball bat on the head are absconding.

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3. On a specific query put to learned State counsel qua the antecedents of the petitioners, it has been submitted that there is no other case pending against the petitioners.

4. In light of the above, and considering the fact that the petitioners have clean antecedents and have been in custody for almost 03 months, therefore, no useful purpose would be served by keeping the petitioners in custody, hence, the petitioners are entitled to the grant of the concession of regular bail.

5. Without commenting upon the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. They shall, however, be released on the following conditions:

- i. The petitioners will not switch off their mobile and in case of any technical glitch, they have to give an alternate number, which will be available in their absence.
- ii. The petitioners shall declare their ordinary place of residence and the mobile number used by them.
- iii. the petitioners will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark their presence, they are permitted to make an application before the Illaqa Magistrate, concerned.
- iv. The petitioners will not leave the country without the prior permission of the Court, for which they will submit the copy of their passport also. However, in case the petitioners do not possess a passport, then they shall file an undertaking to the said effect before being released.

The petitioners shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

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6. It is made clear that, in case, the petitioners are found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.
7. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.
8. It is further made clear that this order shall not be construed as parity *qua* any other co-accused.

(ALOK JAIN)
JUDGE

May 06, 2024
parul

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