



Sr. No. 222

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

**CRM-M-25400-2024 (O&M)
Dated : 06.08.2024**

Kirpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Navjot Singh, Advocate
Mr. Parvez Akhtar, Advocate for the petitioner.
Mr. Brijesh, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.0026 dated 27.02.2023, under Sections 307, 324, 323, 341 read with Section 34 of the Indian Penal Code, 1860, (for short 'IPC') (offence under Section 326 of IPC added later on) registered at Police Station City-II, District Malerkotla, Punjab.

2. Allegations are that petitioner alongwith co-accused scuffled with grandfather of the complainant; caught hold him; gave beatings as well as *kirpan* blows.

3. Learned counsel for the petitioner contends that after investigation challan has already been presented and matter is amicably settled between the parties i.e. petitioner and *de-facto* complainant-Sukhdeep Singh; thus, further incarceration of petitioner would not serve any purpose.



4. *Per contra*, learned State counsel although acknowledged the factum of challan; but he has shown ignorance about the alleged compromise and thus, opposed the prayer for bail.

5. Heard both sides and perused the paper-book.

6. It is not in dispute that after investigation, challan has already been presented before the Court of competent jurisdiction. Today, learned counsel for *de-facto*-complainant, while appearing in quashing petition i.e. CRM-M-34768-2024 has acknowledged the factum of compromise between the accused and respondent Nos. 2 & 3 (therein).

7. In view of the above, further incarceration of petitioner would not serve any purpose.

8. Consequently, present petition is **allowed**; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. He shall appear on each and every date of hearing and to fully co-operate with the learned trial Court, without seeking unnecessary adjournment(s).

10. The above observations be not construed as an expression of opinion on the legality and validity of alleged compromise; and/or on merits of the case in any manner.



11. It is clarified that if there is any recurrence and/or misuse of concession on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

06.08.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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