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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-26203-2024 (O&M)
Date of Decision: 12.09.2024

Gurjant Singh @ GoruPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

Mr. N.K.Banka, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking bail pending trial in FIR No. 71 dated 12.05.2023, under Sections 452, 307, 506 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short, 'the IPC') and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Lopoke, District Amritsar.

2. Allegations are that petitioner along with other co-accused formed an unlawful assembly and in prosecution of the common object of the said assembly, caused injuries to *de facto* complainant-Kulbir Singh with guns, sticks and base balls with intention to kill him.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 29.05.2024 and in pursuance thereof, he is regularly appearing before learned trial Court. Further submits that



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there is no allegation that petitioner is likely to misuse the concession or hamper the proceedings in any manner. Also contended that matter has been amicably settled between the parties i.e the petitioner and *de facto* complainant.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court. He also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 29.05.2024; but she has opposed the prayer for bail at this stage.

5. Learned counsel for the *de facto* complainant has also acknowledged the factum of compromise between the parties.

6. Heard learned counsel for both the sides and perused the paper book.

7. This Court, granted interim bail to the petitioner on 29.05.2024, in the following manner:-

“ Jointly stated that matter has been amicably settled between the parties i.e. petitioner and de facto complainant.

Learned State counsel seeks time to verify the above factual position.

Posted for 08.07.2024.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

To be heard alongwith CRM-M-57068-2023 on the date already fixed i.e. 08.07.2024 .”

8. In view of the fact that parties i.e petitioner and *de facto* complainant have compromised the matter; petitioner is regularly appearing

before learned trial Court and there is no allegation that in case, interim bail



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is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 29.05.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

11. The above observations may not be construed as an expression of opinion on the merits of the case.

12. It is clarified that in case there is any misuse of concession by 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.

12.09.2024 (MAHABIR SINGH SINDHU)
Rajeev (rvs) JUDGE

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