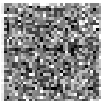


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2024:PHHC:167288



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28137-2024
Date of decision: 13.12.2024

Kirpal SinghPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Abhishek Sharma, Advocate,
for Mr. Sandeep Kumar, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Ms. Sunita Gupta, Advocate,
for Mr. Vaibhav Sehgal, Advocate,
for the complainant.

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SANJIV BERRY, J. (ORAL)

Custody certificate dated 12.12.2024 filed by learned State
counsel is taken on record.

2. Instant petition has been filed under Section 439 of the
Code of Criminal Procedure for grant of regular bail to the petitioner in
case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
24	15.03.2024	307,323, 148, 149, 506 34 IPC	Laddowal, District Police Commissionerate, Ludhiana

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3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is in custody since 15.03.2024. He contends that the alleged injuries have been found to be simple in nature and the petitioner is no more required in this case. He contends that after completion of investigation, challan has already been presented in the Court, wherein, the prosecution has cited 15 witnesses. He further contends that the conclusion of trial will take sufficient long time and moreover, during the pendency, with the intervention of respectables, compromise has been effected between the parties on 11.12.2024. Copy of the same furnished by learned counsel for the petitioner is taken on record and marked as Annexure A-1 and on the strength of the same seeks bail to the petitioner.

4. On the other hand, learned State counsel, referring to the reply filed by the State, has not disputed the fact that the injuries attributed to the complainant-party have been found to be simple in nature and further the injured persons had left the hospital against medical advice on their own. He has also not disputed the presentation of challan for trial citing 15 witnesses therein.

5. Learned counsel appearing on behalf of the complainant has categorically admitted the factum of compromise dated 11.12.2024 (Annexure A-1) having been effected between the parties and duly signed by them voluntarily without any force or coercion. Hence, prays

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that the complainant has no objection in case the bail is granted to the petitioner.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner was arrested in this case on 15.03.2024 on the allegations of having caused injuries to the person of the complainant and the alleged injuries were found to be simple in nature and the injured had left the hospital against medical advice on their own. It is also a fact, duly admitted by the complainant, that the matter has been duly compromised vide compromise (*supra*) and learned counsel for the complainant-respondent No. 2 has categorically stated at bar having no objection for grant of bail to the petitioner on the basis of aforesaid compromise, moreover, challan has already been presented in the Court and after completion of investigation, wherein the prosecution has cited 15 witnesses, conclusion of trial to ascertain the criminal liability, if any, of the petitioner will take sufficient long time and in these circumstances, as observed, no purpose would be served in keeping the petitioner in custody any longer to face the incarceration till the conclusion of trial.

7. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

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8. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

10. Petition stands allowed.

(SANJIV BERRY)
JUDGE

13.12.2024
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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |