

2024.PHHC.082362



219.

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

CRM-M-28311-2024 (O&M)
Date of decision: 03.07.2024

Manraj Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Talwinder Singh, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Senior DAG, Punjab.

Mr. Baljinder Singh Singhvi, Advocate,
for the complainant.

GURBIR SINGH, J.

CRM No.25868 of 2024

Prayer in this application filed under Section 482 Cr.P.C. is for adding Sections 386 and 201 of IPC in the headnote, prayer clause and FIR on the petition.

Learned counsel for the applicant-petitioner submits that from the case status as shown in the e-court website, the applicant-petitioner came to know that in the final report submitted before the learned Area Magistrate (JMJC), Kharar, the offences under Sections 386 and 201 of IPC have also been added in the present FIR bearing No.50, dated 03.03.2024,

under Sections 323, 379-B, 307, 342, 506, 120-B of IPC, Police Station Sadar Kharar, District S.A.S. Nagar (Annexure P-1).

For the reason mentioned above, the application is allowed and Sections 386 and 201 of IPC are ordered to be added in the headnote and prayer clause on the petition and the present FIR may also be read as registered under Sections 386 and 201 of IPC.

Registry to do the needful.

CRM-M-28311 of 2024

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.50, dated 03.03.2024, under Sections 365, 323, 379-B, 307, 342, 506, 120-B of IPC (Sections 386 and 201 of IPC added lateron), registered at Police Station Sadar Kharar, District S.A.S. Nagar.

2. As per prosecution case, the present FIR was registered at the instance of Sahil Kumar with the allegations that on 03.03.2024 when he was present in his house, at about 3:00 PM, the accused persons, namely, Manraj Singh (petitioner herein), Sandeep Kumar and Jora Singh came in a car and told the complainant that they wanted to have some important talk with him. On refusal of the complainant, they forcibly took him in their car and gave beatings to him by stating that on his information given to the police, their friend Gurjinder Singh was arrested and they would take revenge from him. The complainant told that he had not given any information to the police regarding their friend Gurjinder Singh, but they

kept on giving beatings to the complainant. They also snatched Rs.9,000/- from the complainant. The petitioner gave slaps to the complainant and in defence, the complainant also gave a punch to the petitioner. The petitioner got panic and on the asking of Jora Singh, the petitioner gave blow of *datt* on the neck of complainant with the intention to kill him, but the complainant immediately stepped backward to save himself and the *datt* hit on his forehead above the left eye. The blood started oozing. The complainant escaped from their hands and ran away towards the village.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The complainant is known to the petitioner and he also did not raise any noise when he was taken away from his house. No such occurrence took place as alleged by the complainant. The injury, as per FIR, is simple in nature. The story of blowing sharp edge weapon toward neck and moving backward of complainant and the sharp edge weapon hit above the left eye (forehead) of the complainant is doubtful and unbelievable. There is not any specific allegation of kidnapping against the petitioner. The allegations leveled are general in nature.

4. Learned counsel further submits that with the intervention of respectable persons of the area, the matter has been settled between the parties and as per the compromise dated 07.05.2024 (Annexure P-2), the complainant in the present FIR does not want any action against the petitioner and his co-accused. The complainant has no objection if the

petitioner is released on bail and the FIR, in question, is quashed. Petitioner is in custody since 04.03.2024. His co-accused Jora Singh had approached this Court by way of CRM-M-21443 of 2024 for grant of anticipatory bail and vide order dated 20.05.2024 (Annexure P-4), the coordinate Bench of this Court granted him bail. He has further submitted that in another case FIR No.128, dated 29.09.2016, registered under Sections 323, 324, 506, 148, 149 of IPC, Police Station Kurali, District S.A.S. Nagar (Mohali), against the petitioner, the coordinate Bench of this Court, vide order dated 02.05.2018, has quashed the said FIR.

5. On the other hand, learned State counsel submits that he has no instructions with regard to compromise. However, he submits that the allegations against the petitioner are serious in nature and he does not deserve the concession of regular bail.

6. Learned counsel appearing on behalf of complainant admits the factum of compromise between the parties and submits that the complainant has no objection if the petitioner is released on bail.

7. I have heard the submissions of learned counsel for the parties.

8. Considering the fact that the petitioner is in custody since 04.03.2024; matter has been compromised between the parties; the co-accused has already been granted anticipatory bail; another FIR registered against the petitioner in FIR No.128 (supra) has been quashed by this Court vide order dated 02.05.2018 passed in CRM-M-1066 of 2018, this Court

finds that no useful purpose would be served by keeping the petitioner in custody anymore.

9. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned Illaqa Magistrate/Duty Magistrate.

(GURBIR SINGH)
JUDGE

July 03, 2024
sanjeev

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