



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-31454-2024
Date of Decision : **July 10, 2024**

MAKHAN SINGH AND ANR

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

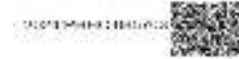
Present : Mr. L.S.Mann, Advocate
for the petitioners.

Mr. Sahil K. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.141, dated 26.11.2023, under Sections 341, 323, 324, 458, 506, 308, 148 and 149 of the IPC (Section 201 IPC added later on), registered at Police Station Nakodar Sadar, District Jalandhar (Rural).
2. The brief facts of the case as culled out from the order dated 06.02.2024 passed by the learned Additional Sessions Judge, Jalandhar, while declining regular bail application of the petitioner, reads as under:-

“3. Brief facts of the prosecution case necessary for dealing with present bail application are that the present FIR was registered on the basis of statement of Pardeep Singh with the allegations that on 25.11.2023 at about 09:30/10:00 pm, he was coming to his house from his well. DJ for the marriage of Manpreet alias Manni was being played in the street. Some of relatives of Manpreet alias Manni were smocking and were hurling abuses near that place. When he stopped them from hurling abuses, said persons started abusing him. As said persons were drunkard, he went inside his house. After some time, Manni armed with Danda, son of maternal aunt of Manni armed with baseball, second son of maternal aunt of Manni armed



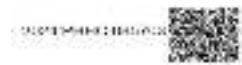
with rod, brother in law (Jeeja) of Manni armed with kirpan, second brother in law (Jeeja) of Manni armed with dattar, son of maternal uncle of Manni armed with dang and second son of maternal uncle of Manni armed with Hathia alongwith their unidentified relatives, forcibly entered in his house. Manni raised lalkara to catch hold of him and he be not spared. Then son of maternal uncle of Manni gave dang blow, which rested on his nose. Manni gave danda blow on his head with an intention to kill him. Other assailants threw him on the ground and gave him fists and kick blows. His mother Gurdish Kaur told about the occurrence to Bagicha Singh and Palwinder Singh. After some time Palwinder Singh came to the spot and tried to save him, but Manni gave danda blow to Palwinder Singh, which rested on his head. Son of maternal aunt of Manni gave baseball blow on his forehead. Brother in law of Manni gave transverse kirpan blow on his nose. Second brother in law of Manni gave dattar blow on his lips. They raised alarm. On seeing Bagicha Singh and other persons approaching towards the spot, all the assailants ran away from the spot with their respective weapons.

3. Learned counsel for the petitioner submits that in fact the present FIR, was registered against one Manpreet alias Manni, and one unknown person. Though a reference is with regard to the brother-in-law of the main accused Manpreet Singh, however, it is not referred that which brother-in-law of Manpreet Singh, has caused the injury.

4. He further placed reliance upon an affidavit of compromise dated 22.01.2024 (Annexure P-4), entered inter se the complainant/respondent no.2, and the accused persons (petitioners herein). Through this affidavit the complainant submits that he has no objection in case the bail is granted to the present petitioners. He further placed reliance upon the order dated 05.03.2024, passed in CRM-M-10669-2024 vide which co-accused has been granted the relief of regular bail.

5. Notice of motion.

6. Mr. Sahil K. Bakshi, AAG, Punjab, accepts notice on behalf of respondent-State, and vociferously opposed the asked for relief. He has placed on record a custody certificate *qua* the petitioners, which is taken on record. A perusal of the same reveals that petitioners have suffered incarceration of 3 months 19 days as on today. It also



reflects that petitioner – Makhan Singh is involved in one more case but is on bail in that case.

7. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

8. Considering the fact that the complainant/respondent no.2 has entered into a compromise with the petitioner vide affidavit of compromise (Annexure P-4), and the petitioners have suffered incarceration of 3 months and 19 days as on today, and the fact that co-accused has already been granted relief of regular bail vide order dated 05.03.2024, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioners, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioners are ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, it is clarified that if in future, the petitioners are found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

10. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

July 10, 2024
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(KULDEEP TIWARI)
JUDGE

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