

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-31793-2024
Date of decision: 13.12.2024

Yousaf MasihPetitioner.

Versus

State of Punjab and anotherRespondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Shivander Pal Singh, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Ms. Abhilasha Kainth, Advocate,
for respondent No. 2.

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SANJIV BERRY, J. (ORAL)

Short reply dated 20.11.2024, filed in the form of affidavit of Deputy Superintendent of Police, Sub-Division, Rajansansi, Amritsar Rural, along with Custody certificate dated 12.12.2024 by learned State counsel are 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. Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
38	14.05.2024	307, 341, 427, 336, 148 and 149 IPC (323, 324 IPC added lateron) 25 of the Arms Act	Raja Sansi, District Amritsar Rural



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 has no concern with the allegations levelled in the FIR and in fact the petitioner had sustained injuries in the occurrence regarding which a cross version vide GD No.23 dated 18.05.2024, under Sections 323, 324, 148 and 149 IPC Police Station Rajasansi, Amritsar Rural, is already registered. He contends that no injury is attributed to have been caused by the petitioner and he is in custody since 15.05.2024. He further contends that during the course of proceedings, with the intervention of the respectables, compromise has been effected between the parties and the complainant has given an affidavit dated 02.07.2024 (Annexure P-1) to this effect. Hence, the instant petition seeking grant of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State (*supra*) has not disputed the factual matrix of the case, as has been submitted by learned counsel for the petitioner, qua the petitioner having sustained 06 injuries regarding which cross version, as mentioned aforesaid, has been registered and further the fact that no injury is attributed to have been caused by the petitioner.

5. Learned counsel appearing on behalf of the complainant-respondent No. 2 has not disputed the factum of compromise having been effected between the parties regarding which the complainant-



respondent No. 2 had given duly sworn affidavit/compromise dated 02.07.2024 (Annexure P-1) and he has categorically stated that respondent No. 2-complainant has no objection in case the petitioner is granted concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that the allegations against the petitioner is having fired in air from his pistol. Admittedly, no injury has been caused to the complainant party.

7. On the contrary it is an admitted fact that the aforesaid cross version vide GD No.23 dated 18.05.2024 (*supra*) has already been registered against the complainant-party for causing 06 injuries on the person of the petitioner. Admittedly, the petitioner is not having any criminal antecedents and, as admitted by learned counsel appearing on behalf of respondent No. 2, a compromise has been effected vide affidavit/compromise, Annexure P-1, and the complainant-respondent No. 2 has no objection in grant of bail to the petitioner. The petitioner is in custody since 15.05.2024 and keeping in view the fact that no injury is stated to have been caused to the complainant in the alleged occurrence and in fact he himself sustained 06 injures on his person coupled with the compromise. 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. 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.

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 |