



222

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35016-2024
Date of decision : 29.07.2024

Amin Khan
.....Petitioner

versus

State of Punjab
..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manbir Singh Basra, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed by the petitioner under Section 439 Cr.P.C. praying for grant of regular bail in case FIR No.157 dated 21.11.2023, under Sections 307, 452, 323, 506, 427, 148 & 149 of IPC and Section 25 of Arms Act (Sections 54 and 59 of Arms Act, 1959 added later on), registered at Police Station City Dhuri, District Sangrur.

Adumbrated facts of the case are that the present case was registered on the statement of complainant, namely, Iqbal, wherein he alleged that he had a wrestling arena near Luxmi Bagh, Dhuri, where he used to trained wrestlers. He has a residential house in wrestling arena in which he was residing along with his family. On 20.11.2023, when he along with his family members was sitting in his residential house, at about 4:30 pm, present petitioner, namely, Amin Khan armed with iron pipe along with co-accused, entered in his wrestling arena. Jagga and Nandu shot fires towards the complainant with the intention to kill him and when complainant made himself lie on the ground, shots hit on his both the legs. Gobind Singh gave sword blow on right side of complainant's head above the ear. Amin Khan gave pipe blow on complainant's

elbow. Jiwan Dodhi gave stick blow on complainant's arm. Bhim Jakhla,



Shaukat Ali, Teji, Satti and 8-9 unknown persons who were armed with rods/sticks gave many injuries to the complainant. Gobind Singh gave sword blow towards complainant's left hand thumb. When complainant's brother Happy tried to save the complainant, accused gave injuries to him also. Thereafter, all the accused fled from the spot along with their respective weapons. All the persons gave injuries to complainant at the instance of Pardeep Dhaula who met complainant in Dhuri Court and told that complainant got transferred Pardeep Dhaula and he would get his legs broken. Complainant's daughter-in-law got him admitted in Civil Hospital, Dhuri from where he was referred to Rajindra Hospital, Patiala. Request was made to take legal action against the culprits. On request made, FIR was registered and the investigation commenced. During investigation, the petitioner, namely, Amin Khan was arrested on 23.11.2023, however, he approached the Court of Learned Additional Sessions Judge, Sangrur praying for grant of bail, however, the same was dismissed as withdrawn. Thereafter, he again approached the Learned Additional Sessions Judge, Sangrur and after hearing both the sides, the second application was declined by the Ld. Additional Sessions Judge, Sangrur vide order dated 12.04.2024. Aggrieved by the same, the petitioner is before this Court by the present petition praying for grant of bail.

Learned counsel for the petitioner, at the outset, has submitted that petitioner has been attributed injuries on the elbow of the complainant with an iron pipe, which has not been medically corroborated. He has submitted that parties have already entered into a compromise and had approached this Court by way of filing of petition bearing 'CRM-M No.10868 of 2024' for quashing of the FIR on the basis of compromise. He submits that this Court vide order dated 29.02.2024, had already directed both the parties to appear before the learned Magistrate, Dhuri, District Sangrur for recording of their statements and the statements of the parties are



recorded therein. He thus, submits that the petitioner is behind bars since 23.11.2023. He submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

Per contra, learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioner. However, on instructions, he has submitted that the quashing petition on the basis of compromise has been filed by the parties, which is pending adjudication before this Court on 24.09.2024.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the petitioner is behind bars since 23.11.2023 and the parties have filed a quashing petition on the basis of compromise, which is pending adjudication before this Court on 24.09.2024.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

29.07.2024

ps-I

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