

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

CRM-M-52361-2023 (O&M)

Date of decision : 29.04.2024

Punnu Ram @ Pawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Gill, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No. 194 dated 07.09.2023, under Sections 323, 308 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Odhan, District Sirsa.

2. Allegations are that petitioner was quarreling with one Kalu (co-accused). In the heat of moment, Kalu brought a gun from room; put the same on chest of petitioner; who exercising his right of private defence, snatched the gun from Kalu and threw it. However, gun went on and due to which, pellets hit complainant-Rita.

3. Learned counsel for the petitioner contends that he is regularly appearing before learned trial Court and there is no allegation that petitioner is likely to misuse the concession of bail or hamper the proceedings in any manner. Also contends that matter has been amicably settled between the parties i.e. petitioner and *defacto* informant-complainant.

4. Learned State Counsel is not able to dispute the above factual position. However, he has shown his ignorance about the compromise, if any, arrived at between the parties.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court, granted interim bail to the petitioner on 06.12.2023, in the following manner:-

“ Contends that it was merely an accidental fire and there was no intention to fire any gunshot. Also contends that there is no other criminal case pending against the petitioner.

Learned State counsel seeks time to have instructions in the matter.

Posted for 15.02.2024.

In the meanwhile, petitioner is ordered to be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. Learned State counsel has duly acknowledged that after passing of the aforesaid order, petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 06.12.2023, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression on the legality and validity of the compromise entered into between the parties i.e. petitioner and complainant.
11. It is clarified that in case there is any misuse of concession by the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.
12. Pending application(s), if any, shall also stand disposed off.

29.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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