

CRM-M-53231-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-53231-2023 (O&M)

Date of decision: 05.03.2024

Balraj Singh @ Ballu

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

CRM-8857-2024

1. Keeping in view the averments made in the application documents are taken on record as Annexures P-9 to P-11 subject to all just exceptions.

2. Disposed of.

3. Registry to tag the same at appropriate place.

Main case

1. Custody certificate dated 04.03.2024 filed by learned State counsel is 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 (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
79	23.05.2023	307, 325 and 34 IPC and 25, 27 and 29 of the Arms Act	Lopoke, District Amritsar

3. It is, *inter alia*, contended by learned Senior Counsel for the petitioner that the petitioner was arrested way back on 23.05.2023 in this case and there is cross-version also registered on the statement of the petitioner wherein he also sustained injuries. He further contends that challan in this case has already been presented in the Court and during the course of proceedings with the intervention of the respectables a compromise has also been effected between the parties being next door neighbour in order to maintain peace and harmonial relationship *inter se* parties. As such, he prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel has opposed the bail application by submitting that the petitioner had caused firearm injury on the left foot of the complainant, as such, he is not entitled for concession of regular bail.

5. Mr. Prabhdeep S. Bindra, Advocate, has appeared on behalf of the complainant and filed his power of attorney in Court. The same is taken on record. He has also admitted the factum of

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compromise effected between the parties and further pleaded that the compromise has been voluntarily effected between the parties and the complainant has no objection, if concession of bail is granted to the petitioner.

6. After considering the rival contention and perusing the record, it transpires that as per the allegations levelled in the FIR, the petitioner allegedly fired towards the complainant hitting him on the left leg. The petitioner was arrested on 23.05.2023 in this case, admittedly, the cross version is also registered vide DDR No. 33 dated 15.09.2023 under Sections 326, 323, 506 and 34 IPC at Police Station Lopoke, District Amritsar Rural, wherein the petitioner is stated to have sustained grievous injuries in the occurrence. Challan in this case has already been presented in the Court and charges have not yet been framed. It will take sufficient time for the prosecution to lead evidence and the criminal liability, if any, of the petitioner can only be ascertained after the conclusion of trial. It is worth mentioning here that although the offences are non compoundable but still the complainant has pleaded no objection in grant of bail being the next door neighbour of the petitioner and it will bring out peace and harmony between them.

7. Taking all these facts and circumstances into consideration without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his

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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.

05.03.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |