

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-53416-2023 (O&M)
Date of Decision:- 13.02.2024

Ajaypreet Singh Bains ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.P.S. Deol, Senior Advocate with
Mr. H.S.Deol, Advocate, for the petitioner.

Mr. G.S.Ghuman, Advocate and
Mr. Atul Kumar, Advocate, for the complainant.

FIR NO.	DATE	POLICE STATION	OFFENCES
19	08.02.2022	Shimlapuri, District Ludhiana	307, 427, 148, 149, 506, 188 IPC, Sections 25, 27, 54, 59 of Arms Act, Section 51 Disaster Management Act 2005, Section 3 Epidemic Diseases Act, 1897, Section 127 Representation of people Act 1951 and 1988 (Section 336 IPC added later on)

GURVINDER SINGH GILL, J. (Oral)

CRM-5643-2024

In view of the reasons mentioned in the application, the same is allowed as prayed for and affidavit dated 3.2.2024 and photocopy of

compromise deed are taken on record as Annexures P-8 and P-9, subject to all just exceptions.

CRM-M-53416-2023 (O&M)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The allegations, in nutshell are that the petitioner had fired at Karamjit Singh Karwal stated to be a rival Congress candidate of petitioner's father in the Assembly Election.
3. Before proceeding further, it needs to be noticed that the petitioner as on date is not in custody. Although, the petitioner had earlier been granted interim anticipatory bail by this Court vide order dated 17.4.2023 passed in CRM-M-18388-2023 but subsequently, the petitioner withdrew the petition on 24.04.2023. Order dated 24.4.2023 (Annexure P-7) is reproduced herein under:-

“At the outset, learned senior counsel for the petitioner seeks permission to withdraw the present petition.

2. Prayer is accepted.
 3. Petition is disposed of as withdrawn. Order dated 17.04.2023 stand recalled. Liberty reserved to the petitioner to file a fresh petition for regular bail in accordance with law.
 4. Pending applications, if any, stand disposed of.”
4. Learned counsel submits that the interim bail had been granted by passing a detailed order by Co-ordinate Bench and it was subsequently on account of the ratio of Sundeep Kumar Bafna Vs. State of Maharashtra and another 2104 AIR (SC) 1745 SC that the matter came to be withdrawn so that the petitioner could surrender

before the trial Court and move an application for grant of regular bail.

5. Learned counsel submits that although the petitioner is not physically behind bars but the petitioner may be treated to be in deemed custody and the instant petition may be entertained as such. Learned counsel has further submitted that the matter in any case has been amicably resolved amongst the parties as would be evident from the affidavit/compromise (Annexures P-8 and P-9). Complainant-Gurvinder Singh is represented by Mr. G.S.Ghuman, Advocate, present in the Court, who endorsed the factum of compromise and has drawn the attention of this Court to the compromise (Annexure P-9) which is duly signed by Karamjit Singh Karwal upon whom the petitioner is alleged to have fired. Learned counsel has also drawn to a separate affidavit of the complainant (Annexure P-8) wherein he has deposed that he has no objection in case Ajaypreet Singh Bains who is pursuing studies is granted bail.
6. Having regard to the aforestated factual position, this Court deems appropriate that the petitioner is relegated to Court of Sessions in the first instance so as to take necessary steps for claiming relief. The instant petition, as such is disposed of with liberty to the petitioner to surrender before the Court of Sessions within 10 days from today and to move an application for grant of regular bail. In case, the petitioner surrenders and moves an application for grant of regular bail in the forenoon of the day, the Court of Sessions/Court to which the matter is entrusted shall endeavour to dispose of the same expeditiously preferably on the day of filing of such application, if conveniently

possible while having due regard to all such relevant facts as may be brought to its notice including the contention of the petitioner regarding the matter having been amicably resolved.

13.02.2024
mohan

(GURVINDER SINGH GILL)
JUDGE

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