

CRM-M-61341-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-61341-2023 (O&M)
Date of decision: 31.01.2024

Sham LalPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- M/s Kuldeep Kumar Sarthi and
Deepak Arora, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

SANJIV BERRY, J.(ORAL)

CRM-724-2024

- 1. Keeping in view the averments made in the application, copy of compromise is taken on record as Annexure P-3.
- 2. Disposed of.

CRM-M-61341-2023

- 1. By way of present petition filed under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
0115	11.11.2023	304, 34 of IPC	Division No.1, District Pathankot.

- 2. It is, *inter alia*, contended by learned counsel for the petitioner that the construction work was going on in the property of the co-accused, namely Amit Mahajan, which was allocated to the

petitioner. He contends that every precautionary steps were taken while executing the work, however, accidentally, the mishap took place on 11.11.2023, as a result thereof, the son of the complainant sustained injuries and later succumbed to the same

3. He further contends that the petitioner is in custody since 11.11.2023 and challan has already been presented in the Court. He further contends that in the meanwhile, with the intervention of the respectables compromise (Annexure P-3) had been effected between the parties on 22.12.2023 and appropriate compensation had been paid to the complainant. As such, he prays for grant of regular bail.

4. Learned State counsel does not dispute the factual matrix of the case.

5. Ms. Monika Devi Koonj, Advocate, has put in appearance on behalf of the complainant and filed power of attorney, which is taken on record. Complainant- Uma Devi, has admitted the factum of compromise and having received the compensation and has pleaded no objection in case regular bail is granted.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner is in custody in this case since 11.11.2023 and there is no other case registered against the petitioner. Admittedly, the challan has been presented in the trial Court meaning thereby the petitioner is no more required for further investigation. The conclusion of trial will take sufficient time and no purpose would be

served by retaining the petitioner in custody any longer especially keeping in view the submissions suffered by learned counsel for the complainant and also the compensation having been received by the complainant.

7. Considering all the facts and circumstances, 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

31.01.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |