

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2082-2025
Date of decision: 28.01.2025

Kartik ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sumit Dua, Advocate,
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

Mr. Prashant Bansal, Advocate,
for the complainant/victim.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
127	01.09.2024	Division I, District Jalandhar	109, 3(5) BNS, 2023 and Section 25 o the Arms Act.

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 12 of the bail application and the reply dated 27.01.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Sections	Police Station
1.	93	21.07.2021	380, 379, 411, 427, 457 IPC and 3-A of Prevention of Damage of Public Prop- erty Act	Division No.1, Commissionerate Jalandhar

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“4. That the brief facts pertaining to the present case are that the complainant namely Perusal of record reveals the fact that complainant namely Udham Singh son of Jaspal Singh has got registered the case with the allegations that he is working as labourer in Vegetable Market. On



30.08.2024 the complainant alongwith his friend person named Bhupinder Kumar alias Rajat at about 9:00 PM went on the Rehri to eat eggs and meat. After eating when they were making payment on Rehri, then one unknown person standing there told that he wanted to fire today. The Complainant enquired that why he wants to fire today, then the other person said that complainant is doing scuffling with them. Person named Rahul has tried to separate them, but an unknown boy has not agreed, who was known to the present petitioner and the unknown person called the petitioner on phone that dispute has taken place, then four unknown friends/persons came there. On reaching there, they have enquired about the complainant and one of them fired towards the complainant, which has crossed above the shoulder, then another accused also fired with an intention to commit the murder of the complainant, though it hit on the right hand of complainant. Complainant was profusely bleeding, and then the petitioner and his associates also gave beatings by raising exhortion. Complainant was taken to the Civil Hospital by his friend person named Bhupinder Kumar alias Rajat, where the complainant was got admitted and the MLR was issued, but later on the complainant was referred to hospital at Amritsar. However, when the documents were not with them, then the complainant was got admitted in Johal Hospital, Jalandhar. The Complainant later on came to know the name of persons who have fired on him are Kartik son of Suresh Kumar (the present petitioner), co-accused Mohit Malhotra alias Kaka son of Vijay Malhotra and another unknown boy and prayed for action against them. On the basis of these allegations, case has been got registered.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply. However, counsel appearing on behalf of victim endues his no objection to bail and filed his affidavit which is taken on record.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

5. ROLE OF THE PRESENT PETITIONER:

That there are serious allegations against the present petitioner, that petitioner along with other four persons came in a Car and started abusing to the complainant party. Furthermore, the petitioner and the other co-accused have fired upon the complainant, but fire crossed above the



shoulder, then second fire hit on the right hand and the same have totally profuse with bleeding.

6.EVIDNECE AGAISNT THE PETITIONER.

That, after the arrest of the petitioner, the police has also got recovered the weapon used in the commission of crime and 01 alive cartridge. from the possession of the petitioner.”

7. There is sufficient primafacie evidence connecting the petitioner with the alleged crime.

8. However, the petitioner’s case is that they have settled the matter with the victim and affidavit of victim Udham Singh has been handed over and one copy of the same has been supplied to the State. As per the same, the victim has compromised the matter. Undoubtedly, a case under Section 109 BNS, 2023 cannot be compromised unless there are exceptional circumstances and more particularly out of Court. However, this Court is considering this compromise for the purpose of granting bail. It is further clarified that neither this affidavit nor grant of bail by this Court shall be a ground to quash the petition based on compromise which might be done by making out a fresh case.

9. For these reasons, there would be no justification for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.

14. The petitioner shall abide by all statutory bond conditions and appear before the



concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. ***This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense that attracts sentence of seven year and/or more, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.***

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.01.2025

smriti

Whether speaking/reasoned: Yes

Whether reportable: No.