



212-2

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

CRM-M-42227-2024 (O&M)

Date of decision : 13.01.2025

Shammi Bhatti

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanyam Malhotra, Advocate (Legal Aid Counsel),
[through V.C.] for the petitioner.

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

Mr. Rakesh Kumar Kachura, Advocate,
for the complainant.

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.20 dated 21.02.2023, under Sections 307, 326, 325, 324, 323, 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station Cantt. Ferozepur, District Ferozepur.

2. Allegations are that on 20.02.2023 at about 11.00 A.M., petitioner along with other co-accused, armed with sharp-edged weapons, attacked the *de facto* complainant (Kamlesh Rani) and caused her multiple injuries.

3. Learned counsel for the petitioner contends that the matter has been amicably settled between the parties, i.e. accused as well as *de*



facto complainant and on that account, petitioner was granted interim bail by this Court on 20.11.2024. Further submitted that a petition for quashing of the instant FIR on the basis of aforesaid compromise is already pending before this Court. Also submits that petitioner is regularly appearing before learned trial Court and there is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner.

4. Learned State Counsel, on instructions, has fairly acknowledged the above factual position. He has also produced a copy of the statement dated 10.01.2025 made by the *de facto* complainant-Kamlesh Rani, regarding compromise entered into between the parties, which is taken on record as Mark 'X' in CRM-M-16191-2024.

5. Learned counsel for the complainant has also duly admitted the factum of compromise having arrived at between the parties.

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

6. It is a matter of record that petitioner was granted interim bail by this Court on 20.11.2024 and the order reads as under:-

"Contends that petitioner is in custody since 07.08.2023; charges were framed on 06.08.2024 and out of total 22 prosecution witnesses, only 04 have been examined till date. Specifically argued that matter has been amicably settled between the parties i.e. accused as well as de facto complainant at their own level.

Learned State Counsel seeks time to verify the above factual position.

Learned Counsel for the complainant also acknowledges the factum of compromise.



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

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court; there is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in case his interim bail is made absolute; and the matter stands already compromised between the parties, i.e. the accused as well as the *de facto* complainant; therefore, sending the petitioner(s) 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 20.11.2024, is made absolute. Petitioner 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 the learned trial Court without seeking any unnecessary adjournment(s).

10. Above observations be not construed as an expression of opinion on merits of case, in any manner.

11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.



Pending application(s), if any, shall also stand disposed off.

13.01.2025
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(MAHABIR SINGH SINDHU)
JUDGE

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