



295

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

CRM-M- 54770-2024

Date of decision:-22.04.2025

KAMALPREET SINGH ALIAS KAMAL

... Petitioner

Versus**STATE OF PUNJAB**

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. K.S.Hissowal, Advocate for the petitioner.

Mr.Rajinder Singh Bhatta, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 21.04.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for grant of regular bail in the following case(Annexure P-1):-

| FIR No. | Dated | Sections | Police Station |
|----------------|--------------|--|---------------------------------|
| 123 | 01.09.2024 | 115(2), 126(2), 109(2), 351(3), 191(3), 190 BNS | City Sunam, District Sangrur |

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is not having any criminal antecedents and has



been in custody since 03.09.2024. He contends that after completion of investigation challan has already been presented in Court, wherein none of the witnesses cited by the prosecution has been examined till date and in the meanwhile, the complainant has effected a compromise dated 19.03.2025 (Annexure P-3) and on that basis, he prays for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition and prayed for dismissal thereof.

6. Mr. Sanjeev Kumar, Advocate, has put in appearance on behalf of the complainant and filed Power of Attorney, the same is taken on record. Learned counsel for the complainant has admitted the factum of the compromise (Annexure P-3) and submits that the same has been voluntarily effected between the parties and he has specific instructions from the complainant to say that he has no objection in grant of bail to the petitioner.

7. After considering the rival contentions and perusing the record, it transpires that the instant case was registered against the petitioner and other co-accused wherein it was alleged that the petitioner had given danda blow to the complainant in the occurrence, while the other co-accused caused injuries to the other victims. After arrest of the petitioner on 03.09.2024, challan was presented in Court, wherein 15 witnesses have been cited by the prosecution but till date none has been examined. Admittedly, during pendency of the proceedings, a compromise (Annexure P-3) has been effected between the complainant and the petitioner and this fact has been



admitted by the learned counsel appearing on behalf of the complainant and has pleaded no objection in case the bail is not granted to the petitioner. The petitioner is not having any criminal antecedents, coupled with the fact that the compromise has been duly effected between the parties, and the conclusion of trial, to ascertain criminal liability, if any, of the petitioner will take sufficient long time, therefore, no purpose would be served by detaining the petitioner any longer in custody.

8. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

22.04.2025

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