

206-A

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

CRM-M-27040-2015

Date of decision: 24.08.2015

Kewal Krishan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. C.M. Munjal, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.53 dated 16.04.2015 under Sections 420, 120-B IPC, registered at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that although no amount was received from the complainant, yet to set the controversy at rest, the amount alleged by the complainant has already been paid to him by the petitioner. Consequently, a compromise between the parties was arrived at with the intervention of respectables of the village. He further submits that thereafter, complainant submitted a sworn affidavit before the learned trial Court which is part of the judicial record of the learned trial Court. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions

from HC Swaran Singh, Police Station Lambi, District Sri Muktsar Sahib, submits that parties might have entered into a compromise but there is no such intimation to the prosecuting agency. No such affidavit was part of the report under Section 173 (2) Cr.P.C. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered view that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said because learned counsel for the petitioner has stated before this Court about the compromise arrived at between the parties. There is no reason to disbelieve this statement made by learned counsel for the petitioner.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

24.08.2015
vishnu