

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

CRM No. M-35322 of 2016

Date of decision:- October 07, 2016

NACHHATTAR SINGH @ BONY SINGH

.....PETITIONERS..

VS.

STATE OF UT CHANDIGARH

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Gaurav Chopra, Advocate,
for the petitioners.

Mr. J.S. Toor, Addl. P.P., U.T., Chandigarh.

Mr. Gurbinder Singh, Advocate
for the complainant.

JASPAL SINGH, J. (Oral)

This is a second petition under Section 439 of the Code of Criminal Procedure (for short, "Code"), preferred by Nachhattar Singh @ Bony Singh- petitioner, seeking bail in case FIR No.108, dated 15.04.2016, under Sections 323, 307/34 IPC and Section 326 IPC (added later on 25.05.2016), Police Station Industrial Area, Chandigarh, during the pendency of trial.

2. Admittedly, previous petition moved under Section 439 of the Code was dismissed as withdrawn on 05.08.2016. Subsequent to the withdrawal of the previous petition, a compromise was arrived at between the parties, which has been reduced in writing on 23.09.2016. Even a

petition under Section 482 of the Code seeking quashing of FIR in question has also been filed on the basis of compromise, which is pending disposal in this Court for 25.10.2016. Otherwise also, after the completion of the investigation, report under Section 173 (2) Cr.P.C. has already been presented. At present, the petitioner is in judicial lock-up and he is no more required for further interrogation/investigation. Moreover, the petitioner is suffering incarceration since 23.04.2016.

3. Mr. Gurbinder Singh, Advocate, who is appearing on behalf of the complainant has also fairly conceded about the factum of compromise referred to above. Even a copy of said compromise is also available with the petition as has been pointed by learned State counsel.

4. Taking into consideration aforesaid aspects but without expressing any opinion on the merits of the case, this Court finds it a fit case to grant the concession of bail. Accordingly, petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Duty Magistrate, Chandigarh.

October 07, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reasonable: No