

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

CRM-M No. 5752 of 2016 (O&M)

Date of Decision: 23.02.2016

Malkiat Singh alias Keeta

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vijay Rana, Advocate
for the petitioner.

Mz. Rimplejeet Kaur, AAG, Punjab
for the respondent/State assisted by ASI Anwar Masih.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 Cr.P.C. is for grant of regular bail in case FIR No. 102, dated 19.07.2009, for offences punishable under Sections 326, 324, 323, 34 of the Indian Penal Code (Sections 326 and 34 of the Indian Penal Code added subsequently), registered at Police Station Nurmahal, District Jalandhar.

It is stated that an occurrence had taken place on 15.07.2009 and the parties had affected a compromise on 23.11.2009, based upon the same, a cancellation report was submitted on 29.11.2011. The said cancellation report was returned in light of the offence under Section 326, Indian Penal Code. The petitioner was declared as proclaimed offender on 03.03.2015 while challan was presented against two co-accused/non-applicants, namely, Balraj Singh @ Raja and Manjit Singh @ Kalu on 05.03.2015.

The petitioner was arrested on 11.10.2015 and a supplementary challan was presented against him, while fourth co-accused still remains proclaimed offender.

Learned counsel for the petitioner contends that in light of the compromise, the petitioner could not join the proceedings. He further submits that the aforesaid two co-accused/non-applicants have since been acquitted by the trial Court vide its judgment dated 17.08.2015 in the light of the injured/complainant not supporting the case of the prosecution. He also submits that the petitioner is in custody since 11.10.2015 and he is ready to face the trial.

Learned State Counsel, assisted by ASI Anwar Masih, is unable to refute the aforesaid factual position.

Without commenting on the merits of the case, keeping in view the facts noticed above and custody period of the petitioner, no useful purpose would be served by keeping the petitioner/accused in custody, since the injured/complainant has not supported the case of the prosecution during the concluded trial of the co-accused, leading to their acquittal, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

February 23, 2016

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**(JASWANT SINGH)
JUDGE**