

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-18235 of 2017
Date of Decision: 17.07.2017

Banwari Lal

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ranjit Sharma, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. S.K. Arya, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.74 dated 08.04.2017 registered for offences punishable under Sections 308, 323 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Sultanwind, District Amritsar.

Heard.

Learned counsel for the petitioner submits that matrimonial dispute between Jyoti, wife of petitioner, and the petitioner has since been amicably settled. In support of his contention, he has placed on file copy of compromise.

Learned counsel appearing for the complainant submits that he has instructions to state that the matter has been amicably settled and under the settlement a petition seeking quashing of instant FIR registered against the petitioner bearing CRM-M-23498-2017 has been filed in which the next

date is fixed as 28.08.2017. Parties in that petition have been directed to appear before the trial Court to record their statements. He further submits that complainant and his sister will appear before the trial Court and make their statements.

Learned State counsel submits that there were talks of compromise but the investigating officer is not having instructions regarding any written compromise between the parties.

Copy of compromise has been supplied to investigating officer in Court.

Keeping in view the submission of learned counsel for complainant and that matrimonial dispute has been settled by the parties but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Banwari Lal is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 17, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No