

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22763 of 2017
Date of Decision: 17.08.2017

Mohit Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Rimple Saini, 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.48 dated 02.04.2017 registered for offences punishable under Sections 365, 367, 325, 323, 328, 406 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station Division no. 2, Pathankot.

Heard.

Learned counsel for the petitioner submits that there was matrimonial dispute between complainant and his wife and present FIR is outcome of that matrimonial dispute. The parties have settled all their dispute amicably and under the compromise they have filed petition (CRM-M-28728-2017) seeking quashing of instant FIR, wherein notice has been issued for 31.10.2017.

The petitioner was arrested on 02.04.2017 and is in custody since then. The police after investigation has presented the challan and trial

is in progress.

Keeping in view the fact that parties have already settled the dispute and have also filed petition seeking quashing of instant FIR, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Mohit Kumar 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

August 17, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No