

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

**Criminal Misc. No.M-29917 of 2017
Date of Decision: 23.08.2017**

Mukesh Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Dheeraj Narula, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.163 dated 29.6.2017 under Sections 323, 324, 34 IPC and Section 326 (which has been added later on), registered at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner submits that during the pendency of the investigation, the matter has been compromised between the parties in terms of panchayati compromise dated 1.8.2017. He further states that it is on the basis of aforesaid compromise, separate petition i.e. CRM-M-30106-2017 *Hardwari Lal & ors. v. State of Punjab & anr.*, seeking quashing of the FIR in question, has been filed, wherein notice of motion has been issued and the trial Court/Illaq Magistrate has been

directed to get the statements of the parties recorded in support of the compromise so effected. He further submits that the petitioner is in custody since 26.7.2017.

However, learned State counsel submits that the factum of compromise is not in the notice of the prosecution.

I have heard learned counsel for the parties.

Considering the fact that the matter has been compromised between the parties, I deem it appropriate to release the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that in case it is found that no compromise has been effected between the parties, the prosecution shall be at liberty to seek cancellation of bail granted to the petitioner.

August 23, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No