

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33428 of 2016
Date of Decision: 23.01.2017

Bohar Singh and others

....Petitioners

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikas Gupta, Advocate
for the petitioners.

Mr. Ashish Sanghi, D.A.G., Punjab.

Mr. Vinay Malhotra, Advocate
for complainant-respondent no. 2.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 121 dated 16.12.2014, registered for the offences punishable under Sections 323, 452, 506 read with Section 34 of Indian Penal Code (for short 'IPC'), at Police Station Bhikhiwind, District Tarn Taran.

Heard.

Petitioners were summoned for offences punishable under Sections 323, 452, 506 read with Section 34 IPC on the complaint filed by respondent no. 2-Partap Singh.

Learned counsel for petitioners submits that the matter was settled with complainant-respondent no. 2 vide compromise dated 18.05.2016 and he had also given an affidavit to this effect, which have been placed on file as Annexures P-4 and P-5.

Learned counsel for complainant-respondent no. 2 submits that

no such compromise was effected between the parties and respondent no. 2 has neither signed the compromise (Annexure P-4) nor given affidavit (Annexure P-5).

Petitioners are directed to surrender before the trial Court within two weeks and on their appearance they will be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, Patti, District Tarn Taran.

In this case, petitioner no. 3-Balwinder Singh was arrested by the police and produced before the trial Court on 05.12.2016 and was remanded to judicial custody. Vide order dated 20.10.2016 passed by this Court, arrest of petitioners had been stayed. Report of learned Judicial Magistrate, Ist Class, Patti received wherein he has stated that at the time of issuance of warrants of arrest or production of petitioner no. 3-Balwinder Singh in Court, order dated 20.10.2016 was neither produced nor brought to his notice. It was produced on 06.12.2016 and he released Balwinder Singh on bail on the same date.

In view of report submitted by learned Judicial Magistrate, Ist Class, Patti, the matter regarding arrest of petitioner no. 3-Balwinder Singh is closed.

January 23, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No