

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

CRM-M-6311-2017 (O&M)
Date of decision : 06.03.2017

JASWINDER SINGH @ FAUJI

...Petitioner (s)

Versus

STATE OF PUNJAB

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : Mr. S.P.S. Sidhu, Advocate
for the petitioner (s).

Mr. Luvinder Sofat, AAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.22, dated 24.02.2009, registered under Sections 148, 308 and 324 read with Section 149 of the Indian Penal Code (for short 'IPC'), at Police Station Sadar Moga, District Moga.

Contents that the complainant entered into compromise with co-accused, Harbans Singh and others, which was subject matter of CRM-M-32152-2012, decided on 09.11.2012. The petitioner remained under *bona fide* belief that compromise has been effected qua him also and he went abroad. However, when the factum of his being declared as a proclaimed offender came to his notice, he came back to India and surrendered himself.

On the other hand, the learned State counsel submits that the petitioner gave a brick blow on the head of the complainant, therefore, the present petition is liable to be dismissed.

I have heard the learned counsel for the parties and carefully perused the entire record on file.

Considering the active role of the petitioner in the alleged incident, no case for bail is made out.

Dismissed.

However, keeping in view the facts that the compromise has been effected qua co-accused, Harbans Singh and others; whole family of the petitioner is in abroad, he being a law abiding citizen came to the Court and surrendered to the jurisdiction of the Court; bail of the co-accused have been allowed by the trial Court, trial Court is directed to conclude the trial expeditiously, preferably within four months from the date of receipt of certified copy of this order.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

06.03.2017

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No