

Criminal Misc. No. M- 11291 of 2018 (O&M)

Date of decision : April 06, 2018

Parkash Chand and others

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. B.S. Jaswal, Advocate
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Ankush Thakral, Advocate
for respondents No. 2 to 4.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 101 dated 25.09.2017 under Sections 326A, 307, 506, 148, 149 IPC registered at Police Station Kathunanagal, District Amritsar.

Contentions on behalf of the petitioners noted while issuing notice of motion read as under:-

“ It is submitted that FIR No.101 dated 25.09.2017 under Sections 326-A/307/506/148/149 IPC registered at Police Station Kahthaunagal was a fall out of the matrimonial dispute between the injured (since deceased) who has passed away due to natural causes and her husband, namely, Rajan. The matter was duly compromised between the petitioners and Smt. Seema on 27.10.2017. Unfortunately, the complainant- Seema passed away on 14.11.2017. Crl. Misc. No.M-883 of 2018 has been filed for quashing of the aforementioned FIR on the basis of compromise.

Learned counsel for the petitioner submits that the police has, however, presented the final report under Section 173 Cr.P.C. against the petitioners without even informing them.

The petitioners undertake to face proceedings. It is further informed that the matter is listed before the learned trial Court on 17.03.2018.”

Learned counsel for respondents No. 2 to 4 affirms and verifies the factum of settlement between the parties. It is submitted that the offence punishable under Section 307 IPC is not made out in this case. It is affirmed that CRM-M-883-2018 has been filed for quashing of the aforementioned FIR on the basis of a settlement. It is further submitted that respondents No. 2 to 4 have no objection in case this petition is allowed.

Learned counsel for the State, on instructions from ASI Mukhtiar Singh, verifies that the petitioners have appeared before the learned trial Court on 17.03.2018.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the peculiar facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, interim bail afforded to the petitioners by the learned trial Court pursuant to order dated 16.03.2018 be made absolute subject to their furnishing fresh bail bonds and surety to the satisfaction of the learned trial Court.

April 06, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No