

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

**CRM-M No.46556 of 2018 (O&M)
Decided on: 26.10.2018**

Mithi @ Sunil @ Sunil Chohan

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. D.S. Thakur, Advocate for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.227 dated 05.09.2018, for offence punishable under Sections 324, 452, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') (Sections 326 and 307 IPC added later) registered at Police Station City Kapurthala, District Kapurthala.

Counsel for the petitioner has submitted that the petitioner has undergone 01 month and 11 days of total sentence and he is not involved in any other case.

Since the injured/victims and the complainant had appeared along with their counsel and stated that the matter has been compromised, the case was referred to the Mediation and Conciliation Centre of this Court for recording the statement of the parties.

The injured/victims namely, Jasbir Kaur wife of Gurpreet

Singh, Gurpreet Singh and Dilraj Singh sons of Bhagwan Singh residents of Mohalla Raika, Police Station City Kapurthala, have stated that they have no objection if bail is granted to the petitioner as they have compromised the matter with the petitioner and they will also have no objection in case a separate petition for quashing of the FIR be filed before this Court.

This fact is not disputed by counsel appearing for the complainant, who had appeared with the parties before the Mediator.

Counsel for the State, on instructions from ASI Kewal Singh, has filed the Custody Certificate and has not disputed the factual position.

Without commenting anything on merits of the case, considering the fact that the petitioner has undergone 01 month and 11 days of total sentence; he is not involved in any other case and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

26.10.2018

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No