

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

**CRM-M No.8918 of 2019
Decided on: 06.03.2019**

Sarabjit Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. G.S. Simble, Advocate for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

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.183 dated 14.08.2018, for offence punishable under Sections 323, 324, 325, 326, 447, 427, 148 and 149 of the Indian Penal Code (in short 'IPC'), registered at Police District Batala, District Gurdaspur.

Counsel for the petitioners has submitted that the petitioners, after withdrawing the anticipatory bail application before this Court on 21.01.2019 i.e. CRM-M No.52432 of 2018, have surrendered before the trial Court and thereafter, their regular bail was dismissed. It is further submitted that all the offences are triable by the Court of Magistrate and petitioner No.2 – Major Singh is attributed the injury invoking Section 326 IPC, which on the non-vital part of the body. It is also submitted that both the petitioners are not involved in any other case and they are in custody for the last 01 month and 08 days and the other co-accused have already been granted the concession of

anticipatory bail.

Counsel for the petitioners has relied upon the compromise (Annexure P5) dated 14.02.2019, vide which both the parties who are facing the version and cross-version case, have entered into a compromise with a further undertaking that they will be bound by the same and will move a petition for quashing of their respective case, in this regard.

Counsel for the State, on instructions from ASI Gurmeet Singh, has filed the Custody Certificate today in the Court and has not disputed the fact that the petitioners are not involved in any other case, however, the Investigating Officer has shown ignorance about the compromise arrived at between the parties.

Without commenting anything on merits of the case, considering the fact that the offences are triable by the Court of Magistrate; the petitioners are not involved in any other case and also in view of the fact that there is a compromise arrived at between the parties, this petition is allowed and the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

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

(ARVIND SINGH SANGWAN)
JUDGE

06.03.2019

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No