

**CRM-M-34859-2019 and
CRM-M-49774-2019**

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

**CRM-M-34859-2019
Date of Decision: 13.12.2019**

Kamaldeep Singh @ Nazar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CRM-M-49774-2019

Kamaldeep Singh @ Nazar

....Petitioner

vs.

State of Punjab and another

....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

**Present: Mr. Rituraj Singh, Advocate,
for the petitioner.**

Mr. B.S. Sewak, Addl. A.G., Punjab.

**Mr. Manjit Singh, Advocate,
for the complainant.**

AMOL RATTAN SINGH, J. (ORAL)

CRM-M-34859-2019

This petition has been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 31 dated 12.09.2006, registered at Police Station Model Town, District Hoshiarpur, for the alleged commission of offences punishable under Sections 307, 326, 148 and 149 of the IPC.

2. On the last date of hearing, learned counsel for the petitioner had submitted that the matter had been amicably settled between the petitioner and the complainant, upon which notice had been ordered to be issued to the complainant, with Ms. Jasmine, Advocate, appearing for the complainant, i.e. Manjit Singh, and with her having filed a power of attorney issued in her favour.

She does not deny the factum of the compromise reached between the parties.

3. In fact a petition seeking quashing of the FIR itself on the basis of the compromise reached, i.e. CRM-M-49774-2019, is also listed today, in which a copy of the compromise deed is shown to have been annexed.

The said compromise is seen to have been reached between only the petitioner (and no other co-accused), and the complainant, with the latter having stated that the matter having been settled between the two of them, he therefore has no objection to even the quashing of the FIR itself.

4. However, as regards quashing of the FIR, learned counsel for the parties would address arguments as to how that would be permissible, in the light of the judgments of the Supreme Court in **Narinder Singh and others** vs. **State of Punjab and others** 2014 (2) R.C.R. (Criminal) 482 and **State of Madhya Pradesh** vs. **Laxmi Narayan and others** 2019 (2) RCR (Criminal) 255, when an offence punishable under Section 307 of the IPC is alleged in the FIR, the allegations being that the complainant was attacked by the petitioner and his co-accused with '*datars*' and *iron rods*' etc., with six injuries received by him.

5. However, as regards the case for grant of bail to the petitioner, on query to learned State counsel, he on instructions from the police official who is present in Court today to assist him, submits that there is no other criminal case

registered against the petitioner, who, it is admitted, has been in custody for more than 5½ months.

6. That being so, the matter having been compromised by the complainant with the petitioner and the allegation against him being of an injury caused on the ankle of the complainant, this petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court.

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7. Adjourned to 28.1.2020 for arguments, in terms of what has been observed in paragraph 4 hereinabove.

A photocopy of this order be placed on the file of the other connected cases.

December 13, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.