

CRM-M-11109-2020 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-11109-2020 (O&M)

Date of Decision: September 17th, 2020

Jugal Sharma @ Abhishek @ Rehmat Ullah Khan @ Abdulla Karim Khan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. R.S. Rai, Senior Advocate with
Mr. Lokesh Narang, Advocate, for the petitioner.

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

Mr. Harneet Singh Oberoi, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.10, dated 07.02.2020, registered at Police Station Satnampura Phagwara, District Kapurthala, under Sections 376, 384, 420 and 506 of the Indian Penal Code.

It is the contention of the learned senior counsel for the petitioner that the matter has been amicably compromised between the parties. Copy of the compromise dated 05.03.2020 has been attached along with the petition as Annexure P-2. He states that in the light of the compromise which has been entered into, process has been initiated for

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filing a petition under Section 482 of the Code of Criminal Procedure in the High Court for quashing of the FIR, as misunderstanding between the parties stands cleared and there is no grievance as of now as regards the complainant is concerned.

Counsel for the complainant acknowledges the factum of the compromise dated 05.03.2020 (Annexure P-2) and states that the complainant does not have any objection in case the prayer made in the present petition is accepted and the petitioner is granted the concession of regular bail. He further states that the complainant has no objection in case the FIR is quashed because the matter stands amicably resolved.

Custody certificate of the petitioner has been filed by the learned State counsel through email in the form of an affidavit of the Deputy Superintendent, Central Jail, Kapurthala, dated 16.09.2020, according to which the petitioner is in custody for seven months and three days. Counsel for the State submits that the challan stands presented but because of the prevailing pandemic, charge, till date, has not been framed.

Learned senior counsel for the petitioner states that in the light of the compromise which has been entered into between the parties and also keeping in view the fact that the petitioner is in custody for more than seven months, with the trial not likely to proceed in near future because of the prevailing circumstances, petitioner may be granted the concession of regular bail.

Counsel for the State, on the other hand, asserts that there are serious allegations against the petitioner, however, the factum of

compromise in the light of the statement of the counsel for the complainant, as recorded above and especially the compromise which has been placed on record, dated 05.03.2020 (Annexure P-2) as also amicably resolution of the misunderstanding could not be disputed by him.

Having considered the submissions made by the learned counsel for the parties and keeping in view the above facts as has been recorded above that the petitioner is in custody for more than seven months, the matter having been amicably resolved and that the trial is not likely to proceed in near future in the prevailing circumstances where despite the presentation of the challan, charge could not be framed till date, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

All the pending misc. applications also stand disposed of.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

September 17th, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No