

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

**CRM-M-19204 of 2020 (O&M)
DATE OF DECISION : 05.08.2020**

Sarbjot Singh @ Sarbjeet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sunil Agnihotri, Advocate,
for the petitioner.

Mr. N. K. Banka, DAG, Punjab.

Mr. Vishal Munjal, Advocate,
for the complainant.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The allegations of the complainant/husband against his wife and her brothers that led to registration of FIR in question are akin to epic story of “Mirza- Sahiba”, but thankfully, unlike in the epic, with a happy ending in the present case.

2. Petitioner/wife herein is seeking regular bail in case FIR No.45 dated 01.05.2020 under Sections 452/324/323/148/149 IPC (Sections 325/326 IPC added later on) registered at Police Station Bhaini Mian Khan, district Gurdaspur.

3. It is stated that the husband and wife had a fight with each other due to which brothers of the wife along with some unknown persons of the

village barged in their matrimonial home and attacked the husband and gave him stick blows on his back.

4. Be that as it may, learned counsel for the complainant/husband, who has joined proceedings through video conferencing along with learned State counsel, submits that the complainant/husband does not wish to pursue his complaint/FIR, as the parties have mutually arrived at a compromise contained at Annexure P-2. He further submits that pursuant to said compromise, a petition for quashing of FIR in question, has already been filed which is pending hearing.

5. Notice of motion.

6. Mr. N. K. Banka, DAG, Punjab, who has joined proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Punjab.

7. I have heard learned counsel for the petitioner, as well as learned State Counsel and learned counsel for the complainant.

8. On a query of this Court, learned State does not controvert the factum of compromise arrived at between the parties contained at Annexure P-2. He further submits that investigation in the case is already complete.

9. The petitioner is stated to be in custody since 21.06.2020. In the overall scenario as stated herein above, no purpose would be served by keeping the petitioner behind the bars. As the parties have compromised the matter, there will be no credible evidence and/or testimony of any witness to support the prosecution version at later stage and in all likelihood the trial will result into acquittal of the petitioner. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions caused due to COVID-19.

10. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaqa Magistrate/ Duty Magistrate.

(ARUN MONGA)
JUDGE

August 5th 2020
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No