IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-19805 of 2020
Date of decision:21.07.2020

Jagdeep Singh @ Gaggu ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, Assistant Advocate General, Punjab

Mr. Pradhuman, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

This is a second petition for regular bail in FIR No.49 dated 17.05.2019 registered under Sections 341, 323, 324, 506 and 34 of Indian Penal Code, 1860 (in short "IPC") and Sections 326 and 307 IPC were added later on, at Police Station Sadar Raikot, District Ludhiana. The first petition bearing CRM-M-52370 of 2019 for regular bail was dismissed as withdrawn on 29.05.2020.

Counsel for the petitioner has argued that the dispute has been settled and an affidavit dated 24.06.2020 (Annexure P-6) has been executed by the injured Rajwinder Singh, who suffered grievous injury on the basis

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of which Section 307 IPC was added. Counsel has also referred to compromise deed dated 16.06.2020 (Annexure P-5) executed between the parties wherein both the parties have *inter alia* agreed that they will not initiate any kind of proceedings against each other and will also withdraw the cases filed *inter se*. It has been further submitted that a petition for quashing of the FIR on the basis of compromise has also been filed which is yet not listed for hearing. Reliance has further been placed on the order dated 09.07.2020 passed by this Court in CRM-M-14546 of 2020 titled as 'Camrade Gurdeep Singh Vs. State of Punjab', whereby bail pending trial was granted to co-accused on the basis of the compromise. Counsel has further made a reference to the said order to submit that factum of compromise was verified by the State and it is so recorded in the said order.

State counsel upon instructions from SI Jagroop Singh submits that the petitioner is the main accused inasmuch as the injury attracting Section 307 IPC has been attributed to the petitioner. He has filed the custody certificate dated 21.07.2020 which is taken on record.

Counsel appearing for the complainant does not dispute the compromise effected between the parties.

Keeping in view the above and the fact that the dispute has been compromised and that the petitioner has undergone incarceration for a period of 01 year and 29 days, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his

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furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

July 21, 2020
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Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No

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