

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 30557 of 2020 (O&M)
Date of Decision: 15.12.2020

Lovely

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Fatehjeet Singh, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-30313-2020

This is an application under Section 482 CPC for preponement of the main case, which is fixed for hearing on 08.1.2021.

Notice of the application.

On the asking of the Court, Mr. Sandeep Singh Deol, DAG, Punjab, accepts notice on behalf of the State.

Learned counsel for the applicant-petitioner prays that the date of hearing in the main case may be preponed from 08.1.2021 and the case may be taken up for final disposal today itself.

Learned State counsel does not have any objection to the prayer made by the learned counsel for the applicant-petitioner.

For the reasons mentioned in the application, the same is allowed.

Main case is preponed from 08.1.2021 and is taken up on board

for hearing today itself.

CRM-M-30557-2020

The petitioner seeks regular bail in FIR No. 31 dated 07.5.2015 under Section 323, 324, 452, 148, 149 IPC and Section 326 IPC (added later on) registered at Police Station Lambra, District Jalandhar.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Kapurthala has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that the petitioner has been in custody for the last 10 months and now at this stage, a compromise has been effected between the parties on 07.9.2020. Copy of the compromise has been placed on record as Annexure A-1. He further submits that in view of the said compromise, the petitioner and other co-accused have filed CRM-M-31137-2020 seeking quashing of the present FIR in which the Co-ordinate Bench of this Court, vide order dated 06.10.2020, has relegated the parties to record their statements before the Illaqa Magistrate. Copy of the order dated 06.10.2020 has been placed on record as Annexure A-2. He further submits that on 07.12.2020, the petitioner was produced before the concerned Magistrate by the jail authorities, and his statement, as well as the statements of other co-accused and the complainant have been recorded by the trial Court.

On the other hand, learned State counsel has opposed the bail application and submits that the petitioner was declared a proclaimed offender on 11.5.2017 and was arrested on 16.2.2020 but he has not disputed the factum of custody period of the petitioner.

As per the custody certificate, the petitioner has been in custody

for the last 09 months and 28 days. Moreover, the parties have amicably

settled their dispute and in view of the compromise arrived at between them, the petitioner and other co-accused have already filed a petition seeking quashing of the present FIR, in which their statements, regarding the genuineness of compromise have been recorded by the trial Court. The trial will take time to conclude because of COVID-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

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

(HARNARESH SINGH GILL)
JUDGE

December 15, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No