

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M- 34330-2020 (O&M)

Date of Decision: October 29, 2020

Sahil

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. HPS Ghuman, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 113 dated 23.10.2019 under Sections 379-B, 323, 34 IPC and Section 411 IPC (on oral request made by learned counsel for the petitioner) registered at Police Station Kotwali Nabha, Tehsil Nabha, District Patiala on the basis that compromise has been effected between the parties.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 09.11.2019. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the allegations as set out in the FIR are not sustainable while further arguing that the statement of the complainant has been recorded and he does not recognize the petitioner as an accused in the

said FIR, pursuant to which a compromise has also been entered into between the parties, which is available on the record as Annexure P-2 and P-3 respectively and a petition has also been filed in this Court for quashing of the said FIR and that the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, she does not dispute the fact that investigation in the said matter is complete and a compromise has been entered into between the parties.

I have heard learned counsel for the parties.

Since, due to pandemic COVID-19 situation, the trial is likely to take some time. In view of the facts that the petitioner herein has been in custody since 09.11.2019 and that statement of the complainant including the material witnesses have been recorded and the investigation in the matter is complete and the parties have compromised the matter, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety to the satisfaction of concerned trial Court/Duty Magistrate.

October 29, 2020

seema

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes/No

Yes/No