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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM Nos.7923 & 7924 of 2020
CRM-M No.41742 of 2019(O&M)
Date of Decision: 05.03.2020

SOURAV MEHTAPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. S.K. Chaudhary, Advocate
for the petitioner.

Mr. J.S. Ghumman, D.A.G., Punjab.

Mr. S.K. Arya, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

CRM-7923-2020

Prayer made in this application is for placing on record Annexures P-4 to P-6 i.e. compromise deed, identity proof of the complainant and medical record of the petitioner.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. Annexures P-4 to P-6 are taken on record.

CRM-7924-2020

Prayer made in this application is for preponement of date of hearing.

Learned counsel for the applicant-petitioner seeks to withdraw the present application.

Dismissed as withdrawn.

CRM-M-41742-2019 (O&M)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.69 dated 02.06.2018, registered under Sections 420, 465, 468, 34 IPC at P.S. Division No.2, Pathankot.

By referring to the compromise deed dated 27.01.2020, learned counsel for the petitioner submitted that the petitioner and the complainant have entered into an amicable resolution of the dispute with the intervention of the respectables.

Learned counsel appearing on behalf of the complainant Aamir Hussain Wagay son of Sh. Gulam Hussain Wagay resident of Noonmai Yariport, Kulgam, Jammu & Kashmir admitted the aforesaid compromise.

Petitioner was arrested on 04.09.2018. Vide order dated 06.12.2019, learned State counsel sought time to file status of other cases in which petitioner was involved.

In pursuance of the aforesaid order, a specific affidavit of Sh. Rajesh Kumar Mattu, Deputy Superintendent of Police, Security and Command Center, Pathankot was filed, wherein details of seven cases were given in which petitioner was

involved.

As per the aforesaid reply/affidavit, first case is the present FIR No.69 dated 02.06.2018. In FIR No.77 dated 13.06.2018, the proceedings have been quashed on the basis of compromise by the High Court vide order dated 23.10.2018 passed in CRM-M No.39962 of 2018. In FIR No.56 dated 05.05.2018 under Section 420 IPC and Section 24 of the Immigration Act read with Section 13 of the Punjab Prevention of Human Smuggling Act, Police Station Division No.II, Pathankot, the petitioner has been acquitted by the trial Court vide judgment dated 19.04.2019.

In FIR No.149 dated 14.11.2017 under Sections 420, 406 IPC, P.S. Division No.II, Pathankot, the petitioner is on bail and the case is still pending at the stage of prosecution evidence. In FIR No.12 dated 19.02.2018, under Section 420 IPC, P.S. Tibber, District Gurdaspur, the petitioner has been acquitted by the trial Court on the basis of compounding of offence vide order dated 19.10.2019.

In FIR No.153 dated 23.11.2017, under Sections 420, 406 IPC, P.S. Division No.II, Pathankot, the petitioner is on bail. In FIR No.113 dated 06.07.2017 under Sections 420, 406 IPC, P.S. Mukerian District Hoshiapur, the FIR has been quashed by the High Court on the basis of compromise vide order dated 18.02.2020 passed in CRM-M No.11956 of 2019.

Learned State counsel on instructions from SI Harjinder Singh submitted that after filing of challan, charges have been framed. Out of 8 prosecution witnesses, none has been examined so far. Petitioner is in custody since 04.09.2018.

Since the parties have entered into compromise, therefore, at this stage, without meaning anything on merits of the case, the prayer for regular bail can be entertained.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 05, 2020

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No