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

CRM-M No.9807 of 2021

Date of Decision: 09.03.2021

JOGA SINGH

.....Petitioner

Vs

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.47 dated 05.05.2018, registered under Sections 364, 307, 148, 149 IPC and Section 25 of the Arms Act at Police Station Ramdas Amritsar Rural District Amritsar.

The FIR was registered at the instance of Harjeet Singh with the allegations that his son Harpal Singh @ Bhalla was unmarried. On 05.05.2018 at about 9.20 P.M., Harpal Singh @ Bhalla along with Babu was going on the motorcycle to Focal Point. The complainant came to know that some unidentified

person had fired upon his son and kidnapped him by taking him away in a vehicle.

Petitioner along with co-accused Jagroop Singh and Sukmanpreet Singh was declared as proclaimed person/offender. Co-accused Amritpal Singh @ Sandeep Singh was tried for the offences under Sections 364/307/148/149 IPC and Section 25 of the Arms Act. After full-fledged trial of the case, Amritpal Singh @ Sandeep Singh was acquitted by the trial Court vide judgment of acquittal dated 10.07.2019. The acquittal was recorded on the ground that the prosecution had failed to bring home the guilt of the accused to the hilt. The material witnesses did not support the prosecution case. After acquittal of co-accused Amritpal Singh @ Sandeep Singh, the co-accused of the petitioner namely Jagroop Singh and Sukhmanpreet Singh were arrested by the Police on 12.01.2021. Even before their arrest, the parties had entered into an amicable settlement. On the basis of said settlement, petition bearing CRM-M No.8711 of 2020 is pending in the High Court.

Co-accused Jagroop Singh filed CRM-M No.32090 of 2020 for grant of regular bail. He was released on regular bail vide order dated 22.01.2021 passed by this Court in the abovesaid petition. Similarly, Co-accused Sukhmanpreet Singh

also filed CRM-M No.38407 of 2020 and he was granted regular bail by this Court vide order dated 22.01.2021.

The factual position of the aforesaid cases is not in dispute, however, learned State counsel opposed the bail on the ground that the petitioner remained proclaimed offender and he was arrested only after acquittal of co-accused Amritpal Singh @ Sandeep Singh.

The factum of compromise, if any, would be gone into by the Court at the relevant stage. Evidently, there is a compromise dated 05.02.2019 entered into between the parties in which the parties have decided to live in peace.

At this stage, without forming any opinion on the merits of the case, it would be just and appropriate to enlarge the petitioner on regular bail.

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/concerned Duty Magistrate.

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

March 09, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No