

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

207)

CRM-M-14219 of 2021 (O&M)

Date of Decision: 27.07.2021

Yadwinder Singh @ Azad

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Navmohit, Advocate,
for the petitioner.

Ms. Nirmal Kaur, Advocate, for
Mr. J. S. Thind, Advocate,
for the complainant.

Mr. Zorawar Singh Chauhan, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.205, dated 21.07.2020, having been registered at Police Station Kaithal Sadar, District Kaithal, alleging therein the commission of offences punishable under Sections 406, 420, 506 and 120-B of the IPC, as also Section 24 of the Immigration Act, with Sections 370 and 384 of the IPC added later.

On 06.07.2021 the following order had been passed by this court:-

“Case heard via video conferencing.

CRM-13613 of 2021

Vide this application, advancement of the date of hearing in the accompanying petition is sought, which is one by which the applicant-petitioner seeks to be admitted to bail under the provisions of Section 439 of the Cr.P.C.

Learned counsel for the applicant-petitioner submits that pursuant to the order of this court dated 5.4.2021, the statements of the petitioner, as also of the complainant (respondent no.2) have been recorded by the learned Area Magistrate, Kaithal, in respect of the compromise reached between them. However, no such report is on record.

Notice in the application.

Mr. Neeraj Poswal, learned AAG, Haryana, accepts notice at the asking of the court, on behalf of the respondent-State, with Mr. J.S.Thind, Advocate, accepting notice on behalf of complainant-respondent no.2.

The application is allowed and the date of hearing in the accompanying petition is advanced to 27.7.2021.

The learned Sessions Judge, Kaithal, is directed to ensure that the report with regard to recording of the statements of the parties (if so recorded) is positively put up before this court, before the next date of hearing.

Since learned counsel for the complainant also does not dispute the factum of the compromise reached between the parties and as per query to learned State counsel, he, on instructions, submits that there is no other criminal case registered against the petitioner, the petitioner shall be admitted to interim bail to the satisfaction of the learned CJM/Duty Magistrate concerned, till the next date of hearing before this court.”

Pursuant thereto, a report has been received from the learned Addl. CJM, Kaithal, dated 19.07.2021, referring to a report earlier already sent by that court to this court, dated April 30, 2021, stating therein that respondent no.2 (complainant in the FIR), Pawan Kumar had submitted before that court that he had arrived at a compromise with the petitioner and had no objection if the petitioner was admitted to bail.

The statement of the petitioner was also recorded before that court in respect of the compromise reached, with him further stating that he had paid an amount of Rs.1,50,000/- to the complainant.

As per the assessment of that court, the compromise arrived at between the parties was without any kind of undue influence or pressure.

Learned State counsel submits that though he has no instructions from the investigating officer as regards any compromise reached, the report under Section 173 of the Cr.P.C. has already been submitted to the competent court.

As per the instructions of learned State counsel, there is no other criminal case registered against the petitioner [though it is to be noticed that he is stated to be belonging to District Patiala, with the FIR registered in the neighbouring District Kaithal (Haryana), and therefore the Haryana Police may not have a record of his antecedents.]

Keeping in view the report of the learned Addl. CJM, Kaithal, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 06.07.2021 made absolute on the same terms and conditions.

It is to be observed that Ms. Nirmal Kaur, Advocate, appears for Mr. J.S. Thind, Advocate, and submits that the compromise still subsists; with it to be

further observed by this court that Mr. Thind had appeared earlier but subsequently, the network connection having got disconnected, Ms. Nirmal Kaur, Advocate, has appeared in this case.

July 27, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No