

1. CRM-M-32797 of 2020

Date of Decision: 04.01.2021

Mohinder Pal

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-34718-2020

Vijay and others

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.S. Saini, Advocate
for the petitioner in CRM-M-32797 of 2020.

Ms. Simsi Dhir Malhotra, Advocate
for the petitioners in CRM-M-34718 of 2020.

Mr. Mehardeep Singh Dulat, Addl. AG, Punjab.

Mr. Rajiv Joshi, Advocate for the complainant.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)**

Both these present petition(s) have been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioners in FIR No.225 dated 15.07.2020 under Sections 458, 354, 436, 427, 323, 506, 148 and 149 of IPC, 1860, registered at Police Station Phillaur, District Jalandhar Rural.

As per the allegations which have been contained in the aforesaid FIR No.225, dated 15.07.2020, it was lodged on the statement of Smt. Reena wife of Kishore Pal at Police Station Phillaur by levelling allegations against a number of persons including the petitioners that they had entered into the house of the complainant and broken articles lying in the house and furthermore the allegations are also pertaining to the tearing of the clothes and giving some *Daang* blows on arms of the complainant. Thereafter, on the next day i.e. 15.07.2020, another FIR was lodged bearing FIR No.228 by complainant Sunita Rani, which is a cross FIR on the same set of allegations. Learned counsel for the petitioner has submitted that it was basically a case of ransacking and it is not a case where any serious injury has been inflicted on any party. He further submitted that even thereafter a compromise has been effected between the parties vide Annexure P-12. On the last date of hearing, learned State counsel has sought time to ascertain the genuineness and veracity of the compromise between the parties. He has further submitted that the petitioners are already in custody for the last more than three months but still challan has not been presented by the police. He has submitted that since it is a case where now a compromise has been effected between the parties, no useful purpose would be served by keeping the petitioners in custody.

Mr. Mehardeep Singh Dulat, Addl. AG, Punjab on instructions from ASI Banta Singh has submitted that so far as the genuineness and veracity of the compromise is concerned, the same has been verified and it has been ascertained that the said compromise has actually taken place.

Mr. Rajiv Joshi, Advocate, has caused appearance on behalf of the complainant in both the cases and has submitted that it is correct that a

compromise has taken place between the parties.

I have heard the learned counsel for the parties and have perused the record.

Since it is a case of cross FIR pertaining to the similar circumstances and it has come on the record that vide Annexure P-12, both the parties in the FIRs have compromised with each other and the genuineness of the aforesaid compromise has been verified by the police, the denial of the bail to the petitioners would not be in the interest of justice. Consequently, both the present petition(s) are allowed. The petitioners are admitted to bail on their furnishing adequate bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

It is made clear that the observations made hereinabove are purely for the disposal of the present bail petition(s) and it would not reflect anything on the merits of the case.

(JASGURPREET SINGH PURI)
JUDGE

January 04, 2021
Manpreet

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