

CRM-M-17505-2021

Date of Decision: 22.02.2022

Partap Singh @ Nona and another

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amit Arora, Advocate,
for the petitioners.

Mr. M.S. Nagra, A.A.G., Punjab.

Mr. Parminder Singh Kanwar, Advocate,
for respondent no.2.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 14.12.2021, the following order had been passed by this
court:-

“By this petition, the petitioners seek the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.146, dated 24.12.2020, having been registered at Police Station Khalra, District Tarn Taran, alleging therein the commission of offences punishable under the provisions of Sections 307/364/326/341/379/148/149 of the IPC and Sections 25/27 of the Arms Act, 1959.

Learned counsel for the petitioners submits that though the petitions by which the FIR in question and a cross-version thereto were sought to be quashed, (both on the basis of a compromise reached between the parties), were withdrawn with this court not inclined to

entertain those petitions in view of the allegations made qua the alleged commission of an offence punishable under the provisions of Section 307 of the IPC; however, with the compromise between the parties still subsisting there would no reason to not admit the petitioners to anticipatory bail, with an interim to that effect already having been passed by this court on 13.07.2021.

Learned counsel appears for respondent no.2 and does not deny that the compromise between the parties still subsists.

That being so, the complainant in the FIR, i.e. Gurlal Singh son of Satnam Singh (respondent no.2), would appear before the learned Area Magistrate concerned, upto 24.01.2022 to record his statement as regards the subsistence of any compromise between the parties, and upon him so doing, that court would sent its report as to whether, in its opinion, the compromise arrived at between the parties is indeed of the free will of the complainant or not.

Adjourned to 22.02.2022.

Interim order to continue till that date. This order is being passed specifically in view of what has been already observed in the orders earlier passed, to the effect that very serious injuries were shown to be inflicted, including gun shot injuries.”

Pursuant thereto a report dated 06.01.2022 has been received from the learned Judicial Magistrate Ist Class, Patti, stating therein that respondent no. 2, Gurlal Singh, appeared before that court and recorded a statement to the effect that the matter has been compromised between him and the petitioners and consequently, he has no objection if they are

admitted to bail.

As per the assessment of that, the compromise arrived at between the parties seems to be genuine.

Learned counsel appearing for respondent no. 2 does not deny the factum of the compromise still subsisting and further submits that there is only one person injured in the occurrence, i.e. respondent no. 2 Gurlal Singh, which would be seen to be so even as per a reading of the FIR itself.

Though as per the reply filed by the Superintendent of Police, Sub-Division, Bhikhiwind, dated 04.02.2021, the petition should be dismissed in view of the allegation of even a fire short having been made by one Simranjeet Singh; yet, this not being a petition seeking quashing of the FIR and one seeking that the petitioners be admitted to bail in view of the compromise reached between the parties, without making any comment whatsoever on the actual merits of the case, the petition is allowed and the order dated 13.07.2021 admitting the petitioners to interim bail, is made absolute on the same terms and conditions.

February 22, 2022
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.