

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-21533-2022

Date of decision : 23.05.2022

Kuldeep Singh

... Petitioner

Versus

U. T. Chandigarh and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sandeep Singh Majithia, Advocate and
Mr.Jiteshwar Singh Mamli, Advocate
for the petitioner.

Mr.Hardik Ahluwalia, Advocate for
Mr.Kuldip Tiwari, APP for U. T. Chandigarh.

Mr.Bharat Sharma, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.0052 dated 09.03.2022 registered under Sections 406, 420, 467, 468, 471, 120-B IPC at Police Station Central Sector 17, Chandigarh.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 09.03.2022 and in the present case there was a monetary dispute between the petitioner and the complainant and the matter has been compromised vide compromise deed dated 22.03.2022 and on the basis of said compromise, the petitioner has filed CRM-M-19493-2022 for quashing of FIR on the basis of compromise and in the said case, notice of motion was issued and the case is now fixed for 11.07.2022.

Learned counsel for respondent no.2-complainant has reaffirmed the fact that the matter has been compromised and has stated that respondent no.2-complainant has no objection in case the present petition for regular bail is allowed.

Learned counsel appearing for U. T. Chandigarh has opposed the present petition for regular bail and has submitted that specific allegations have been made against the petitioner in the FIR. It is also submitted that the petitioner is involved in some other cases.

Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 09.03.2022. The petitioner has relied upon the compromise deed dated 22.03.2022 (Annexure P-2) which shows that the matter has prima facie been

quashing of the FIR on the basis of compromise in which notice of motion was issued by a coordinate Bench of this Court and same is now listed for 11.07.2022 and even learned counsel for respondent no.2-complainant has reaffirmed the fact that the matter has been compromised.

Keeping in view the abovesaid facts and circumstances and in view of law laid down in *Maulana's* case (supra), the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

May 23, 2022
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No