

291 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19287-2019

Date of Decision: 2nd August, 2022

Balwinder Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. L.S. Mann, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. H.S. Virk, Advocate for respondent No.2.

AVNEESH JHINGAN , J.(Oral)

This petition was filed seeking quashing of FIR No.265 dated 8.11.2010 under Sections 324/341/323/34 IPC, 1860 registered at P.S. Nakodar, District Jalandhar on the basis of compromise and also the order dated 15.5.2015 whereby the petitioner was declared proclaimed person.

On 1.5.2019 the following order was passed :-

“The present petition has been filed for quashing of FIR No.265 dated 08.11.2010 registered under Sections 324, 341, 323, 34 IPC at Police Station Nakodar, District Jalandhar and all subsequent proceedings on the basis of compromise.

Notice of motion for 25.07.2019.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of the State. Mr. Hazara Singh Virk, Advocate accepts notice on behalf of the complainant-respondent No.2.

Learned counsel for the petitioner is directed to supply copies of the paper book to the opposite counsel during course of the day.

Let the parties now appear before the trial Court/Illaq Magistrate on 21.05.2019 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court/Illaq Magistrate is also directed to send a

report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not, before the next date of hearing.

Since the parties are settling the dispute amicably, therefore, it would not be unjustified if the petitioner is granted interim protection till the next date of hearing.

Accordingly, it is directed that when the petitioner appears before the trial Court, he shall be released on interim bail on his furnishing bonds/ sureties to the satisfaction of the trial Court, till the next date of hearing.”

Learned counsel for the parties are *ad idem* that the petitioner appeared before the Trial Court and was released on bail.

Learned counsel for the petitioner restricts his prayer at this stage with regard to setting aside of the impugned order dated 15.5.2015.

In view of the order dated 1.5.2019, no further directions are called for.

Petition is disposed of.

However, the Trial Court would be at liberty to impose such further conditions as deems necessary to ensure the presence of the petitioner.

(AVNEESH JHINGAN)
JUDGE

2nd August, 2022
anuradha

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