

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-24332-2022
Decided on : 30.05.2022

Parwinder Singh Nagra

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sunil Agnihotri, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Amandeep Singh, Advocate for
Mr. Vishal Mahajan, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of orders dated 24.05.2019 whereby the Additional Sessions Judge cancelled the bail bonds and surety bonds of the petitioner in FIR No. 127 dated 24.06.2017 under Sections 379-B, 323, 148, 149 and 120-B of the Indian Penal Code, 1860 registered at Police Station Machhiwara, Police District Khanna.

Learned counsel for the petitioner has submitted that in the present case, after the registration of the FIR, a compromise dated 13.04.2018 was entered into between the petitioner and respondent No. 2 and in the said compromise, it has been specifically stated that all the grievances between the parties have been resolved and the respondent

No. 2 does not wish to pursue the present FIR. On the basis of the said compromise, the petitioner has filed a petition bearing CRM-M-21852-2022 in which a coordinate Bench of this Court has issued notice of motion and has even directed the parties to get their statements recorded qua the compromise. It is submitted that the counsel for the complainant /respondent No. 2 had appeared before the Court and admitted the factum of compromise during the said quashing proceedings. It is further submitted that although, the petitioner had earlier filed an application for anticipatory bail but the same in view of the law laid down by the Hon'ble Supreme Court was withdrawn with liberty to file a fresh petition under Section 482 Cr.P.C. It is contended that the matter has been compromised and the petitioner has to appear before the trial Court to give his statement in support of the said compromise.

Learned counsel appearing for respondent No. 2 has reiterated the fact that the matter has been compromised and has stated that he has no objection in case the order dated 24.05.2019 passed against the present petitioner is set aside.

Learned State counsel has opposed the present petition and has submitted that the petitioner has been rightly declared as proclaimed offender and merely because the compromise has been effected, the impugned order does not deserve to be set aside.

This Court has heard learned counsel for the parties and has

perused the paperbook.

It is the common case of the petitioner and respondent No. 2 that after the registration of the FIR dated 24.06.2017, a compromise was effected between the parties on 13.04.2018 and as per the said compromise, respondent No. 2 has specifically stated that he does not wish to pursue the case against the petitioner and that the compromise is genuine and bona fide. It is the case of the petitioner that he was under the impression that since the matter has been compromised, thus, he does not need to appear before the trial Court and thus, the bail order of the petitioner was cancelled and the bail bonds and surety bonds were forfeited to the State. The petitioner and the other co-accused had further filed a petition under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise in which a coordinate Bench of this Court vide order dated 19.05.2022 has been pleased to issue notice of motion and had directed the parties to get their statements recorded. A perusal of the said order would also show that learned counsel for respondent No. 2 had also appeared and reiterated the factum of the compromise.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the order dated 24.05.2019 is set aside to the extent that the bail orders of the present petitioner-Parwinder Singh Nagra has been cancelled and the bail bonds and surety bonds of the present petitioner have been forfeited to the State and non-bailable warrants have been issued against the present petitioner and notice has

been issued against the surety of the present petitioner, subject to the petitioner appearing before the trial Court within a period of 7 weeks from today and further subject to the petitioner giving an undertaking to the trial Court to appear on each and every date except the date on which his personal appearance is specifically exempted.

It is further made clear that in case the petitioner does not appear before the trial Court on the abovesaid date or does not give the abovesaid undertaking then the present petition would be deemed to have been dismissed.

It is clarified that the order dated 24.05.2019 has only been set aside qua the petitioner and not qua the co-accused Varinder Singh or the surety of Varinder Singh.

(VIKAS BAHL)
JUDGE

30.05.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No