

Gurpreet Singh

---Appellant

versus

State of Punjab and another

---Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Ajit Singh Natt, Advocate
for the appellant
Ms. Amarjit Kaur Khurana, DAG, Punjab

VINOD S. BHARDWAJ, J. (ORAL)

The instant appeal has been preferred against the order dated 06.06.2022 passed by Additional Sessions Judge, Patiala vide which the regular bail petition of the appellant in case FIR No.108 dated 25.06.2022 under Sections 3(1)(r), 3(1)(u) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 67 of the Information Technology Act, 2000 Police Station Samana, District Patiala, has been declined.

Learned counsel for the appellant contends that the matter has already been amicably resolved amongst the parties and a petition seeking quashing of the FIR bearing CRM-M-26190-2022 titled as 'Gurpreet Singh versus State of Punjab and another' on the basis of compromise has already been filed. Pursuant to the order dated 10.06.2022 passed in the said case, the parties have already appeared before the Illaqa Magistrate and have got their statements recorded. Reliance is placed on the statement of Balvir Singh-complainant, which reads as under:-

“Stated that the present FIR bearing No. 108 dated 26.05.2022,

under Section 3(1)(r), 3(1)(u) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended in 2015) and Section 67 of the Information Technology Act, 2000 registered at P.S.Sadar Samana against accused Gurpreet Singh son of Dhan Singh, resident of village Bujrak, Tehsil Samana, District Patiala on my statement. Now I have compromised the matter with the above said accused with the intervention of respectables vide compromise deed, the copy of which is Ex. C1 and the original of the same has been placed on record in the quashing petition pending before the Hon'ble Punjab and Haryana High Court. I identify my signatures on Ex. C1 at point-A. I have also executed an affidavit in this respect, the copy of which is Ex. C2 over which I identify my signatures at point-A,B & C. I have entered into the said compromise with my own free will, without any coercion or pressure and today I have given my statement voluntarily, without any pressure or coercion. I have no objection if FIR bearing No. 108 dated 26.05.2022, under Section 3(1)(r), 3(1)(u) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended in 2015) and Section 67 of the Information Technology Act, 2000 registered at P.S.Sadar Samana be quashed qua the above said accused/petitioner. The self attested copy of my identity card is Ex. C3. Further, compromise effected between me and accused is not having any adverse effect on the right of any third party. Except accused Gurpreet Singh, there is no other accused in this case.”

The State counsel is not in a position to controvert the same.

Taking into consideration that the matter has been amicably resolved amongst the parties and the complainant has already made a statement before the Sub Divisional Judicial Magistrate, Samana on 18.07.2022, the present appeal is allowed and the appellant is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction

of the Illaqa Magistrate/trial court concerned.

It is made clear that the appellant shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The appeal is allowed.

(VINOD S. BHARDWAJ)
JUDGE

20.07.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No