

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

232

CRM-M-31306-2022

Date of Decision: 26.07.2022

Jagdeep Singh @ Kaka

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vipin Mahajan, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Ketan Chopra and Mr. Vishal Munjal, Advocates,
for respondents No.2 & 3.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.123 dated 23.10.2009 at Police Station Sadar Nawanshahr, District SBS Nagar, under Sections 325/323/506/451/148/149 IPC, wherein it is alleged that the petitioner alongwith 6 other accused had caused injuries to respondents No.2 & 3.
2. Learned counsel for the petitioner has submitted that the FIR came to be lodged under some misunderstanding and that the matter had been amicably resolved amongst the parties in the year 2011. It has further been submitted that other co-accused were tried by the trial Court and had been acquitted vide judgment dated 05.10.2011 (Annexure P-4), but somehow the petitioner was declared a proclaimed offender vide order dated 28.07.2011 (Annexure P-3). It has further been submitted that it was under some mistaken belief after the compromise had been effected

in the year 2011 on account of which the petitioner did not appear in the Court and which ultimately led the petitioner being declared a proclaimed offender. It has been submitted that the petitioner has since surrendered and that the complainant as well as the injured still stand by their compromise and in fact a fresh compromise dated 23.06.2022 (Annexure P-6) has also been entered into.

3. Mr. Ketan Chopra, Advocate, who is representing respondents No.2 & 3, filed power of attorney on their behalf, which is taken on record. Learned counsel has identified respondents No.2 & 3, who are present in Court and has admitted the factum of compromise and has submitted that he has no objection for grant of bail to the petitioner.
4. Learned State counsel has, however, opposed the petition on the ground that the petitioner, who had been declared a proclaimed offender, does not deserve to be released on bail merely on the basis of compromise and that apparently the injured had been threatened into a compromise.
5. I have considered aforesaid submissions addressed before this Court.
6. Having regard to the fact that the complainant and the injured, who are present in Court, have endorsed the factum of compromise and also that the co-accused have since been acquitted, further detention of petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.07.2022

Vimal

(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned:
Whether reportable:**Yes/No**
Yes/No