

CRM-M-49337-2021

Date of Decision: 08.02.2022

Bua Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Pradeep Sharma, Advocate, for the petitioner.

Mr. Sidakmeet Sandhu, A.A.G, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

**On 09.12.2021, the following order had been passed by this
court:-**

“CRM-41601-2021

Vide this application, the applicant-petitioner in the accompanying petition seeks to place on record the statements of complainant in the FIR, i.e. Kavita Devi and that of the petitioner, shown to be made before the learned JMIC, Pathankot on 26.11.2021, stating that they have settled the matter.

Notice in the application, with Mr. Rana Harjasdeep Singh, DAG, Punjab, accepting notice on behalf of the State, on the asking of the court.

The application is allowed and the certified copy of the statements of the complainant and that of the petitioner, recorded on 26.11.2021 before the learned JMIC, Pathankot, are ordered to be taken on record as Annexures P-5 and P-6 with the accompanying petition.

CRM-41602-2021

Vide this application, advancement of date of hearing in the accompanying petition is sought, on the ground that the matter has been compromised between the parties, with a petition seeking quashing of FIR in question also having been filed on the basis of such compromise (CRM-M No.48080 of 2021), in which notice of motion has already been issued.

Notice in the application, with Mr. Rana Harjasdeep Singh, DAG, Punjab, accepting notice on behalf of the State, on the asking of the court.

Mr. Kirat Pal Dhaliwal, Advocate, has filed a memorandum of appearance, appearing for respondent no.2.

Learned counsel for respondent no.2 does not deny the factum of the compromise.

That being so, the application is allowed. The date of hearing in the accompanying petition is advanced to today itself.

Main Case *By this petition, filed under the provisions of Section 439 of the Cr.P.C, the petitioner seeks the concession of regular bail, upon FIR no.169, dated 30.10.2021, having been registered at Police Station Division No.2, Pathankot, alleging therein the commission of an offence punishable under Section 420 of the IPC.*

Looking at the nature of allegations made in the FIR and the fact that the matter is stated to have been compromised between the parties, the petitioner is ordered to be admitted to interim bail, upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Pathankot, till the next

date of hearing only before this court.

Adjourned to 08.02.2022.

*To be heard along with CRM-M No.48080
of 2021.”*

Today, the case file of CRM-M-48080-2021 has been put up along with, which is a petition by which the petition herein seeks quashing of the FIR in question, on the basis of a compromise reached between the parties, i.e. FIR No. 169, dated 30.10.2021, registered at Police Station Division No. 2, Pathankot.

A perusal of that case file shows that pursuant to the order of this court (coordinate Bench), dated 17.11.2021, a report has been received from the learned Judicial Magistrate Ist Class, Pathankot, dated 02.12.2021, stating to the effect that the statements of both, the complainant in the FIR, i.e. Kavita Devi, as also of the petitioner, were recorded separately to the effect that the matter has indeed been compromised between them and with the investigating officer also having stated before that court that there is no other accused involved in the FIR and that no one has been declared to be a proclaimed person, with there being also one complainant/victim involved.

As per the assessment of that court, the compromise arrived at between the parties is voluntarily.

That being so, this petition is allowed with the order dated 09.12.2021 made absolute.

In view of the fact that CRM-M-48080-2021 is otherwise shown to be listed for hearing on 22.09.2022 but with the aforesaid report of the learned JMJC having been received, the date of hearing in that case also advanced to 22.02.2022, with counsel for the parties to be duly informed of

the advanced date of hearing.

On that date, the petition would be listed in the urgent motion list.

February 08, 2022
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.