

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.211

Case No. : CRM-M-24848-2023

Date of Decision : July 14, 2023

Subhash Kumar Petitioner
vs.
State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Mandhir Singh Virk, Advocate
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

Mr. Amit Kashyap, Advocate
for respondent no.2 - complainant.

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GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.106 dated 15.11.2022, under Sections 398, 341, 323, 506, 148, 149 IPC, 1860 (Section 395 IPC added later on by deleting Section 398 IPC), registered at Police Station Jhunir, District Mansa.
2. Custody Certificate dated 13.07.2023 has been filed today in Court by learned State Counsel, which is ordered to be taken on record.
3. Learned counsel for the petitioner submits that the petitioner is in custody for the last 07 months and 20 days in this case. The parties have entered into compromise. Petition regarding quashing of FIR in question has already been filed. A copy of the statement of complainant regarding compromise, recorded by the Court below, has been placed on the record.

4. Learned counsel appearing on behalf of the complainant has also submitted that the parties have settled the dispute by way of compromise and statements of parties have already been recorded in this regard by the concerned Court. He has also admitted that a petition for quashing the FIR has already been filed.
5. Learned State counsel has fairly conceded that the petitioner is in custody for the last 07 months and 20 days in this case. However, he has opposed the bail petition on the ground that the case is yet to be quashed. Pendency of petition is no ground to grant bail.
6. Heard.
7. Keeping in view the aforesaid facts and circumstances of the case, since the parties have entered into compromise and petition for quashing the FIR has also been filed and statements have already been recorded, no useful purpose would be served by keeping the petitioner behind bars any further.
8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.
9. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.
10. Pending applications, if any, shall stand disposed of along with the present petition.

July 14, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes.
Whether reportable ?	Yes/No.

