

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

**CRM-M-51610-2022**

Date of Decision: 24.03.2023

Gaura @ Gora

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

**Present:** Mr. Manoj K. Sharma, Advocate for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Ritesh K. Sharma, Advocate  
for respondent Nos.2 and 3.

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**NAMIT KUMAR, J. (ORAL)**

Petitioner has filed the instant petition under Section 439 Cr.P.C seeking regular bail in a case FIR No.90 dated 17.03.2022 (Annexure P-1) under Section 307 IPC, 1860 (Sections 323/325 of IPC added later on) registered at Police Station Maqboolpura, District Amritsar on the basis of compromise dated 21.07.2022 (Annexure P-2).

Learned State counsel has filed the status report dated 24.03.2023, which is taken on record. Copy thereof has been supplied to the counsel for the petitioner.

The case of the prosecution is that an FIR was registered on the statement of Aarti alleging therein that her marriage was solemnized about 20 years back with Gora Giri. She has two children i.e. Aakshay and Sonam. Her father has already expired and her mother namely Shinder is living in hut, situated near Sabzi Mandi Vallah. Her husband used to beat her and her children, as such she was residing with her mother along with

children for the last 8/9 years. She is having matrimonial dispute with her husband which is pending in the Court due to which her husband kept grudge in his mind against her parents. On 16.03.2022 she was going to Ludhiana and on the way she received a phone call from her daughter regarding causing injuries to Shinder by Gora Giri. Her daughter with the help of other persons got admitted Shinder in Guru Nanak Dev Hospital, Amritsar.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that there was a family dispute between the petitioner and his wife-Aarti (respondent No.2) and now the matter has been compromised vide compromise deed dated 21.07.2022 (Annexure P-2). The petitioner is in custody for the last about one year; investigation is complete; challan has been presented; charges are yet to be framed and there are total 19 prosecution witnesses; none has been examined as yet and no fruitful purpose would be served by detaining the petitioner further behind the bar. He further submits that the petitioner is not involved in any other case and therefore, he may be released on regular bail. The next date before the trial Court is 31.03.2023 for appearance of accused.

The learned State counsel while placing on record the custody certificate of the petitioner does not dispute the fact that the matter has been settled between the parties vide compromise deed dated 21.07.2022 (Annexure P-2) and the fact that the trial is likely to take considerable time to conclude.

The learned counsel appearing for the complainant has also affirmed the factum of compromise between the parties vide compromise deed dated 21.07.2022 (Annexure P-2).

I have heard the learned counsels for the parties and perused the

record. Keeping in view the compromise deed dated 21.07.2022 (Annexure P-2) between the parties; custody period of the petitioner which is 11 months and 28 days; investigation is complete; challan has been presented; charges are yet to be framed and there are total 19 prosecution witnesses; none has been examined and the trial is likely to take considerable time to conclude. Therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Accordingly, the present petition stand disposed of.

**24.03.2023**

*Parveen kumar*

**(NAMIT KUMAR)  
JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No