

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 214

Criminal Miscellaneous No.M-55059 of 2022

Date of Decision: February 06, 2023

Lal Hussan

..... PETITIONER(S)

VERSUS

State of Punjab and others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. L.S. Lakhanpal, Advocate for the petitioner.

Mr. Kunal Vinayak, Assistant Advocate General, Punjab.

Mr. Amandeep Singh, Advocate for respondents No.2
and 3.

. . .

Tribhuvan Dahiya, J (Oral)

This is petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.28 dated 30.04.2019, under Sections 363, 366, 436 & 427 IPC, registered at Police Station Sujampur, District Pathankot.

As per allegations in the FIR, lodged by the victim's uncle, his brother have four daughters and two sons, of whom, victims-Rano's date of birth is 06.12.2002, and the other victim-Busra's date of birth is 06.09.2006. On 30.04.2019, around 12:30 a.m., when the complainant and his brother were sleeping outside his *dera*, the petitioner along with other accused came in three cars. They had muffled faces and one of them was having a pistol like thing. He gave threat to the complainant as well as his brother not to raise voice, and took away the victims with them.

Learned counsel for the petitioner contends that the allegations are false. Pursuant to lodging of the FIR, co-accused Muskeen Ali has married to the victim-Rano and a child has also been born. During trial of the case against the co-accused, the material witnesses examined by the prosecution,

i.e., both the victims, their mother, father and uncle, have not supported the

prosecution. The co-accused has already been admitted to regular bail by this Court vide order dated 22.08.2022 (Annexure P-6). Learned counsel has also referred to an affidavit dated 26.11.2019 filed by the complainant stating that with the intervention of respectables on both the sides, the matter between them have been amicably settled. A petition for quashing of the FIR on the basis of compromise, i.e., CRM-M-22184-2019, has also been filed before this Court, which is pending adjudication.

Learned State counsel, on instructions from ASI Balwinder Singh, assisted by learned counsel for the complainant, submits that the petitioner was arrested on 15.10.2022, and supplementary challan stands filed against him on 24.12.2022. He opposes the grant of bail on the ground that charges are still to be framed against the petitioner and trial is still to commence.

In view of the facts enumerated above, it is apparent that the parties have entered into a compromise and all the material witnesses, who were examined during trial of the co-accused, have not supported the prosecution. Investigation of the case is already over and trial is not likely to conclude in near future. In view thereof, it is deemed appropriate to admit the petitioner to bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of requisite bonds/sureties to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

February 06, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No