

CRM-M-58256-2023
Date of decision: 23.11.2023

....Petitioner

State of Punjab and another

...Respondents

Present: Mr. Sandeep Yadav, Advocate for
Mr. Nitesh Jhajhria, Advocate
for the petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

Mr. B.S. Makkar, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in a case bearing FIR No.383 dated 22.11.2019 under Sections 419/420/465/467/468/471/120-B/506 of IPC registered at Police Station Division No.8, Police Commissionerate Ludhiana District Ludhiana.

Learned counsel for the petitioner *inter alia* contends that the FIR in question was registered against unknown persons, thereafter, the petitioner was implicated in the above FIR and after registration of the FIR, the parties have settled their dispute amicably by effecting a compromise.

Thereafter, quashing of FIR on the basis of compromise has been filed before this Court vide CRM-M No.57931 of 2023 titled as 'Dushyant Vs. State of Punjab and another' which is also listed today and the directions have been issued to the parties to record their statements in terms of the compromise by appearing before the concerned Illaqa Magistrate.

The learned State counsel appears on receipt of advance notice and admits the factual position with regard to the facts and circumstances of compromise effected between the parties.

Learned counsel for the complainant appears and submits that he has no objection in case the present petition is allowed and the petitioner is released on regular bail.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

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Having heard learned counsel for the parties and perusing the records of the case, it transpires that the petitioner is behind the bars for more than two months. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court on 12.11.2023. The trial of the case would take long time to conclude.

Keeping in view the facts and circumstances of the case, the fact that the petitioner is not involved in any other case as well as the parties have resolved their dispute by effecting compromise between them and the likelihood of trial being prolonged, the present petition is allowed. Culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Dushyant is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

23.11.2023

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