

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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2024:PHHC:047401

CRM-M-7168-2024

Date of decision: April 8th, 2024

Kulbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Hitesh Sood, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.218 dated 13.12.2023 under Section 420 of the IPC and Section 13 of Punjab Travel Professional (Regulation) Act, 2014, registered at Police Station Nehianwala, District Bathinda.

2. Mr. Ankush Rampal, Advocate, has filed power of attorney on behalf of the complainant, which is taken on record.

3. Learned counsel for the petitioner, *inter alia*, contends that after the petitioner was arrested on 14.12.2023, not only has the investigation been completed as challan stands presented but with the intervention of well wishers, the parties have arrived at an amicable settlement. Hence, further incarceration of the petitioner would serve no useful purpose. It has also been submitted that pursuant to the parties having compromised the dispute, this Court has been approached under Section 482 of the Cr.P.C. for quashing of the FIR on the basis of compromise.

4. Learned State counsel assisted by learned counsel for the complainant has not disputed that the investigation in the case in hand is complete as challan stands presented. Learned State counsel has, however, submitted that he has no instructions qua the compromise stated to have been effected between the parties. Learned State counsel has also filed the custody certificate of the petitioner to urge that he has criminal antecedents and is involved in one other criminal case of similar nature and another case under Section 138 of the Negotiable Instruments Act.

5. Learned counsel for the complainant has, however, not disputed that the parties have compromised the matter; the entire amount of money which was alleged given by the complainant to the petitioner has since been returned to the complainant. Learned counsel for the complainant has also not disputed that a petition under Section 482 of the Cr.P.C. has been preferred before this Court for quashing of the FIR in question on the basis of a compromise effected between the parties. Learned counsel for the complainant thus does not oppose the prayer made for extending the concession of bail to the petitioner.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as concededly the matter stands compromised between the parties and a petition has also been preferred for quashing of the FIR in question. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 8th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No