

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

210/2

2024:PHHC:007099

CRM-M-9382-2022

Date of decision: January 19th, 2024

Payal alias Harman

.....Petitioner

Versus

The State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajneesh Budhiraja, Advocate
for the petitioner.

Mr. Arun Luthra, 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.251 dated 14.11.2018 under Sections 420, 120-B of the IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Sadar, Ludhiana.

2. Learned counsel for the petitioner, *inter alia*, contends that even though the matter stands amicably settled between the parties and a petition under Section 482 of the Cr.P.C. has been filed for quashing of the FIR in question on the basis of a compromise, in which the parties have got their respective statements recorded, however, still the petitioner is languishing in jail and that too in a magisterial trial since 10.02.2021.

3. Learned State counsel, on instructions from ASI Saaraj Kumar, has not disputed the fact of the parties having indeed compromised the matter and a petition under Section 482 of the Cr.P.C. having been filed before this Court for quashing of the FIR. It has also

not been disputed that the trial has not proceeded beyond the challan stage as neither have the charges been framed nor any witness examined.

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

5. In the facts and circumstances as enumerated hereinabove, 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.

January 19th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No