



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(220)

CRM-M-31787-2024 (O & M)
Date of decision: 12.07.2024

Aman Kumar @ Aman Singh Petitioner
V/s
State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Piyush Setia, Advocate, for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Subhash Goyal, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition under Sec 439 Cr.P.C. is for the grant of regular bail to the petitioner in a case FIR No.10 dated 23.01.2024 under Sections 323, 384, 419, 420, 506 and 120-B IPC registered at Police Station Khuian Sarver, Tehsil Abohar, District Fazilka.

2. The learned counsel for the petitioner contends that a compromise has been effected between the petitioner on the one hand and the complainant party on the other as is evident from Annexure P-2. Further, a quashing petition bearing No. CRM-M-32569-2024 based on the said compromise has also been filed in which notice of motion has been issued for 13.11.2024 and the parties have been directed to record their statements in support of the compromise. As the petitioner was in custody since 24.01.2024, the report under Section 173(2) Cr.P.C. stood presented but none of the 11 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, the petitioner was entitled to the concession of bail.



3. The learned counsel for the complainant admits the factum of the compromise having been arrived at between the parties and states that he has no objection if the petitioner is granted the concession of bail.
4. The learned counsel for the State, on the other hand, contends that the nature of the allegations levelled against the petitioner did not entitle him to the concession as prayed for. He, however, does not dispute the factum of a compromise having been effected between the petitioner and the complainant party.
5. I have heard the learned counsel for the parties.
6. Admittedly, the petitioner is in custody since 24.01.2024, the report under Section 173(2) Cr.P.C. stands submitted but none of the 11 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Further, a compromise has been effected between the parties and a quashing petition based on the said compromise has also been filed. In this situation, the further incarceration of the petitioner is not required.
7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Aman Kumar alias Aman Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 12, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No