



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-35956-2024
Date of Decision: December 04, 2024

SunnyPetitioner

Vs.

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Jaswinder Singh Randhawa, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. D.A.G. Punjab

Mr. Puneet Singla, Advocate
for the complainant.

SUDEEPTI SHARMA J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.153 dated 11.07.2022 under Section 323, 377 registered at Police Station City, Kapurthala.

2. Custody certificate dated 03.12.2024 filed in the Court today, is taken on record.

3. Learned counsel for the petitioner contends that the petitioner is in custody since 12.07.2022. He has placed on record affidavit of the petitioner's wife, wherein, she stated that she does not want to take any action against her husband. He further contends that the parties have compromised the matter, and they intend to file a petition for quashing of F.I.R. for which the signatures of the petitioner are required. He further contends that the petitioner being in



custody is unable to append his signatures on the petition for quashing of F.I.R. as well as compromise deed. Accordingly, he prays that bail should be granted to the petitioner.

4. Per contra, the learned State counsel contends that the allegations against the petitioner are serious and the case is going on before the trial Court and offence alleged to have been committed by the petitioner is non compoundable, therefore, he is not entitled to concession of regular bail. He prays for dismissal of the petition.

5. I have heard the learned counsel for the parties and perused the whole record.

6. Admittedly, the petitioner and complainant are husband and wife. The instant case was got registered against the petitioner by his wife and now it is the case of the petitioner that he has compromised the matter with his wife and they intend to move a petition for quashing of F.I.R. Since the petitioner is in custody, therefore, he is unable to sign the petition as well compromise deed and other documents and accordingly prayer for grant of regular bail has been made.

7. Admittedly, the case is already going on before the learned trial Court which is stated to be fixed for prosecution evidence. Though the complainant has compromised the matter with the petitioner but the offence alleged to have been committed by him is non compoundable and this Court on this ground is constrained to decline concession of regular bail to the petitioner. Further the petitioner is at a liberty to move an application before the learned trial Court for permission to sign the petition for quashing of F.I.R. as well as other related documents required for filing of petition.



8. In view of the above facts and circumstances of the case, no ground is made out to grant concession of regular bail to the petitioner and the instant petition is dismissed.
9. All the pending applications also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

December 04, 2024
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Whether speaking/reasoned:	Speaking
Whether reportable	Yes / No