



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209 CRM-M-40056-2024
Date of decision: 18th October, 2024

Sampuran Singh ...Petitioner
Versus
State of Punjab and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pankaj Bali, Advocate for the petitioner.
Mr. Satjot Singh, AAG, Punjab.
Mr. Jaiveer Nandal, Advocate for respondents No. 2 and 3.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition for grant of regular bail as filed by the petitioner in case bearing FIR No. 133 dated 11.05.2011 registered under Sections 364, 323 and 120-B of IPC, 1860 at Police Station Zirakpur, SAS Nagar (Mohali).

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the basis of statement recorded by the complainant Ankit alleging therein that on the same day, he along with his brother Rahul had gone to the house of the accused Bhim Sen to take an amount of Rs. 9,000/- that was payable by him on account of purchase of RO machine from the shop of his father. When his brother rang the bell of the house of the accused Bhim Sen, five persons



came outside. One of them namely Bhura was carrying a pistol, one was having a sword and accused Bhim Sen and remaining two were empty handed. All of them opened an attack upon the brother of the complainant and took him inside the house. The complainant immediately informed his father on phone. On noticing this, accused Bhura and one more amongst them, forcibly pushed the brother of the complainant in a Honda car and took him away with an intention to kill him. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested and released on bail. Subsequently, he absented himself and absconded. Ultimately, proceedings under Section 82 of Code of Criminal Procedure were initiated against him and he was declared a proclaimed person. He was arrested on 03.07.2024 and is in custody since then. He moved an application for grant of regular bail which was dismissed by the Court of learned Additional Sessions Judge, SAS Nagar, Mohali vide order dated 01.08.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He had previously moved an application for grant of regular bail which had been allowed by this Court on 10.01.2014. Now the matter has been compromised between the parties and a petition for quashing of the FIR on the basis of compromise is pending. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State, as per which,



the co-accused Bhim Sen faced trial and had held guilty and convicted. The present petitioner had been extended benefit of regular bail but then absented himself and was declared a proclaimed offender. He was arrested in some other case and his production would be secured in this case on the basis of production warrants. He has criminal antecedents since as many as twelve more cases, had been registered against him. There are chances of petitioner's absconding again, if extended benefit of bail. However, it is not disputed that a petition seeking quashing of FIR on the basis of a compromise has been filed by the petitioner which is pending before this Court.

5. Learned counsel for respondents No. 2 and 3 has affirmed the factum of compromise and submits that he has no objection, if the petition is allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner along with the co-accused is alleged to have abducted respondent No.3 i.e. brother of the complainant-respondent No.2 and is alleged to have caused simple injuries to him. He is in custody since 03.07.2024. Challan stands filed. A CRM-M-49801-2024 has been separately filed by the petitioner seeking quashing of the FIR of this case on the basis of compromise, copy of which has been placed on record as Annexure P-5. Keeping in view the period of incarceration of the petitioner, nature of the allegations attributed to him and the attendant facts and circumstances of the case but without meaning to make any comment on the

merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th October, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |