



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

247

CRM-M-62970-2024

DATE OF DECISION: 20.12.2024

MUSA

...PETITIONER

Versus

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Yashpal Thakur, Advocate for the petitioner(s).

Mr. J.S. Rattu, DAG, Punjab.

Ms. Arshdeep Kaur, Advocate for respondent No.2

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

This petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 (B.N.S.S. 2023) for regular bail in FIR No.196 dated 28.12.2023 Under Sections 324, 323, 506, 34 of IPC Sections 326, 201 of IPC added later on Police Station: Sadar Dhuri, District Sangrur (Annex.P/1).

2. Prosecution story set up in the present case as per the version in the FIR reads as under :-

‘Copy of the statement, Statement of Khatoon alias Khatu daughter of liakat Ali resident of Jainpur, Teh. Dhuri now residing at Near Silver City, Phatak No. 40, Nabha, District Patiala aged about 22 years, Mobile no.98769-86273 stated that I am a resident of the above said address. I do domestic work.. I have five brothers elder one Roshan Khan, then Saif Ali is



younger to him, then younger to him is Safi, then younger to him is Hussain and the youngest from all is Rahman Khan. I have four sisters, the eldest is Nurjano, I am younger to her, then Mala is younger than me and the youngest is Julaikha. My all sisters are married. On 14.10.2023, I had came to meet my brother Saif Ali and Roshan Khan at village Jainpur, then at around 11:30 PM, I was sleeping in plot out side from our Jhuggi (cottage) in the plot, our neibhourer Musa son Alafdin holding Kirpan, Gami son of Musa resident of Jainpur, Rustam and Khalid son of Hassandin resident of Dhura came. They came to the plot abusing my brother Roshan Khan in a loud voice, then when I got up and started to stop them, then above said Musa hit me with sword (kirpan) which he was holding in his hand upon me and I put my left hand forwardfor protection, due to which it hit on my litte finger of left hand. Then the abovesaid Gami kicked his leg on my stomach due to which I fall down and. I shouted 'Marta Marta', then in the meantime my brother Saif Ali and Roshan Khan also came. On seen coming them the above said accused ran away from the spot after giving threats to kill us. Then my brother - Saif Ali arranged a vehicle and got me admitted to the Civil Hospital, Dhuri for treatment. There were compromise talks. which were going on in both the parties till now, but the talk of compromise did not come to the conclusion. The motive behind the occurrence is that my brothers had to take money from the abovesaid accused persons. My brothers asked for money from the above said persons, due to this reason the above said persons injured me by beating. Today, I came to the present police station with my brother Roshan Khan and wrote a statement. Appropriate legal action should be taken against such persons. I recorded my statement. I heard it to be correct. Deponent RTI: Khatun alias Khatu.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has submitted that due



to intervention of respected members of the society, the matter has been compromised between the parties and quashing of the FIR on the basis of the compromise has already been filed, therefore, prays for grant of regular bail to the petitioner.

On behalf of the State

On the other hand, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and opposes the prayer for grant of regular bail but is not in a position to controvert the submissions made by learned counsel for the petitioner.

On behalf of the complainant

Learned counsel for the complainant appears and submit that she has no objection if the bail is granted to the petitioner as the matter has been compromised between the parties.

4. Analysis

Keeping in view the fact that the matter has been compromised between the parties and has no objection if the bail is granted to the petition and petition for quashing of the FIR has already been filed wherein the parties are directed to record their statements, the Court finds no reason to deny the petitioner concession of bail.

5. Decision:

In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

However, it is made clear that anything stated hereinabove

shall not be construed as an expression of opinion on the merits of the case.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

20.12.2024
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No