

**IN THE COURT OF SH. AVTAR SINGH,  
SESSIONS JUDGE, FAZILKA (UID No. PB0086).**

CIS NO. BA/1856/2024.

Date of Instt: 20.09.2024.

CNR No. PBFZC0-004808-2024.

DATE OF ORDER: 05.10.2024.

Rohit @ Papdi @ Kartik Kumar age about 18 years as on lodging FIR dated 28.03.2024 (date of birth: 29.08.2005) son of Sh. Rajesh @ Rajesh Kumar resident of House No. 1742, Street No. 7, Kuchia Mohalla/Arya Nagar, Abohar District Fazilka.

----Applicant-accused.

Versus

State of Punjab

-----Respondent

Application for bail u/s 483 BNSS in FIR no. 28 dated 28.03.2024 under sections 308, 323, 148, 149 IPC, P.S. City-II, Abohar.

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Present: Sh. Kanver Sain Advocate counsel for applicant.  
Sh. Wazir Kamboj, P.P. for the State-respondent.

**ORDER**

This is a 2<sup>nd</sup> application under section 483 BNSS moved on behalf of the above mentioned applicant-accused in the aforementioned FIR.

The Ist regular bail application of applicant was dismissed by the learned Predecessor of this Court vide order dated 06.09.2024.

2. The brief facts of the prosecution story are that FIR has been registered on the statement of Sahil son of Vinod Kumar resident of St. No. 4, Arya Nagar, Abohar. Besides counting the detail of his family members, he stated that on 25.03.2024 at about 12.30 pm, a quarrel took place between an old person namely Bhelia with Nania son of Raju, Rohit @ Papdi son of Rajesh, Dhoni son of unknown and Prince son of Nindi along

with one unidentified person of Kuchia Mohalla. The aforesaid persons were giving kick blows to Bhelia. He (complainant) and his brother Prince asked the above said persons to desist from their activities, whereupon, Dhoni raised a lalkara to catch hold both of them and they should be eliminated. Then Nania gave 03 continuous kapa blows upon Prince hitting his stomach, head and right leg. Rohit @ Papdi gave a danda blow hitting right shoulder of Prince. Due to the severe injuries caused by the aforesaid persons, the intestines (internal organ) of Prince came out of his stomach and as such, he was hurriedly taken to Civil Hospital, Abohar, from where he was referred to G.G.S. Medical College & Hospital, Faridkot. Till the statement of complainant was recorded, injured Prince was unconscious. The offence under sections 308, 323, 148, 149 IPC were made out.

3. Notice of the bail application was given to the State. Shri Wazir Kamboj, P.P. appeared on behalf of State and contested the bail application.

4. The learned counsel for the accused argued that with the intervention of respectable persons of the vicinity, the matter has been amicably resolved between the parties vide compromise deed dated 29.05.2024. He further contended that both the parties filed a joint petition before Hon'ble Punjab & Haryana High Court seeking quashing of the FIR and vide order dated 03.10.2024 passed by Hon'ble Punjab & Haryana High Court, the present FIR and all subsequent proceedings arising therefrom on the basis of compromise dated 29.05.2024 have been quashed qua the petitioners. On the basis of said submissions, learned counsel for bail applicant prayed for acceptance of the bail application.

5. During the course of arguments, learned counsel for bail applicant tendered photo copy of order dated 03.10.2024 passed by the

Hon'ble Punjab & Haryana High Court in CRM-M-31970 of 2024 as mark-A, vide which, petition under section 482 Cr.P.C. filed by applicant and others has been allowed.

6. On the other hand, learned P.P. for the State argued that the bail application may be disposed off, in terms of the orders of the Hon'ble High Court.

7. From the submissions of learned counsels for parties and perusal of the record, it is clear that although the allegations against the bail applicant are very serious in nature, yet the parties have entered into a compromise and vide order dated 03.10.2024 passed by Hon'ble Punjab & Haryana High Court in CRM-M-31970 of 2024, the present FIR and all subsequent proceedings arising therefrom on the basis of compromise dated 29.05.2024 have been quashed qua the petitioners (including the bail applicant). The Ist regular bail application of applicant was dismissed by the learned Predecessor of this Court vide order dated 06.09.2024. At this stage, there is substantial change of circumstances of the present case. So, keeping in view the above said order of the Hon'ble High Court, since the bail applicant is no longer required in the present case, he is ordered to be released from custody on his furnishing personal bonds only in the sum of Rs. 1,00,000/- before Trial Court/Duty Magistrate, on usual terms and conditions. Bail application stands allowed and disposed off accordingly.

Bail application file be consigned to Record Room, Fazilka, after due compilation.

Sd/-

Dated: 05.10.2024.

'Bhola Shankar'  
'Stenographer Gr.I'

(Avtar Singh),  
Sessions Judge,  
Fazilka (UID No. PB0086)