

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No.M-1318 of 2016 (O&M)
Date of decision : 30.05.2016**

Rakesh Kumar @ Rinku

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Imran Farooqi, Advocate for
Mr. Rajeev K. Kapila, Advocate for the petitioner.
Ms. Anmol Grewal, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.78 dated 09.12.2015, under Sections 379/323/148/149 IPC, registered at Police Station Shri Hargobindpur, District Gurdaspur.

On 14.01.2016, while issuing notice of motion, the following order was passed by this Court:

“Counsel would inter alia contend that even as per version of the complainant, the role attributed to the present petitioner is a reverse blow with datar to Punit Bhalla and which has hit him on his left hand. Such injury is stated to be simple in nature. Further allegation is that offence under Section 379 IPC would not be made out as it is the version of the complainant that in this incident, a gold chain of one Sahil had fell down and as such, in a version whereby 20/25 unidentified persons were stated to be present, it cannot be construed that the present petitioner had stolen the same.

Notice of motion, returnable on 08.03.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Sarwan Singh would apprise the Court that the petitioner has since joined investigation.

That apart, counsel appearing for the petitioner submits that a compromise has been effected with the complainant and in pursuance thereof even a petition under Section 482 Cr.P.C. seeking quashing of the FIR i.e. CRM No.M-16244 of 2016 has been filed in this Court and in which notice of motion has been issued and under the directions of this Court, even the statements of the parties in support of compromise also stand recorded before the trial Court on 26.05.2016.

In view of the above, the present petition is allowed. Order dated 14.01.2016 passed by this Court is made absolute.

Disposed of.

30.05.2016

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE