

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22863-2019

Date of decision-29.05.2019

Gagandeep Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kulwant Singh, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.133 dated 31.12.2016 under Sections 365, 342, 323, 324 and 148 read with Section 149 of Indian Penal Code registered at Police Station Sadar Raikot, Ludhiana. The petitioner apprehended his arrest at the hands of Police.

On 20.05.2019, the following order was passed:-

“Learned counsel for the petitioner contends that though the application for pre-arrest bail was declined on 29.9.2017, however, the police never sought his arrest even after dismissal of the application as the petitioner was not named in the FIR. According to him, the main accused, namely, Deepa Singh has already been extended the concession of anticipatory bail by this Court vide order dated 10.10.2017 in CRM-M-27047 of 2017 title “Deepa Singh @ Sukhdeep Singh and another vs. State of Punjab”. It is further pointed out that the matter already stands settled between the private parties by way of compromise (Annexure P-4).

Notice of motion for 29.05.2019.”

Learned counsel for the petitioner contends that since the

matter has been settled between the parties by way of compromise and the attention of this Court again invited to Annexure P-4 in this regard, wherein it is recorded on behalf of the complainant that he does not want to take any action in the above case registered against the accused persons.

On the other hand, learned State counsel assisted by SI Jagroop Singh has opposed the prayer on the ground that the said compromise was not brought to the notice of the Investigating Officer. However, it is not disputed that petitioner was never arrested in the said case and his co-accused is already on anticipatory bail.

Considering the fact that the parties have entered into a compromise and there does not appear any justification for custodial interrogation of the petitioner, particularly when no recovery is to be effected from the petitioner, the petition is allowed. It is ordered, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the Arresting Officer. He shall join investigation as and when called for by the Investigating Officer. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

29.05.2019

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No