

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-3821-2020(O&M)
Date of decision : 01.11.2021

Naib Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Gurvir Kaur Gill, Advocate
for the petitioner.

Mr.N.K.Banka, DAG, Punjab.

Mr.Gurjant Gill, Advocate
for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

CRM-34790-2021

This is an application under Section 482 Cr.P.C. for placing on record affidavit of complainant as Annexure A-1 and order dated 03.03.2020 as Annexure A-2.

In view of the reasons given in the application, the application is allowed and the documents Annexure A-1 and A-2 are taken on record.

CRM-M-3821-2020

This is a first bail application under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.195 dated 25.12.2019

Fazilka.

On 03.03.2020, a co-ordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel, on instructions from the petitioner, undertakes to redress the grievance of respondent No.2-complainant, after getting released the land on which respondent No.2 has constructed his house from the Bank.

Adjourned to 18.05.2020.

During this period, the petitioner shall not be arrested.

It is clarified that in case of non-compliance of this order, instant petition shall positively be dismissed.”

Learned counsel for the petitioner has submitted that in fact the matter has been finally settled, and has placed on record the affidavit of Beant Masih, the complainant in the present case, in which the terms and conditions of the compromise have been detailed and in paragraph 6, it has been specifically mentioned that the complainant has no objection in case the FIR is cancelled.

Mr.Gurjant Gill, Advocate, has appeared on behalf of the complainant and has reiterated the fact that the matter has been compromised and the affidavit (Annexue A-1) has been duly signed by the complainant.

Learned State counsel has, although, opposed the present application for anticipatory bail but could not deny the fact that the dispute is *inter se* between the petitioner and the complainant, and the same has been compromised.

Keeping in view the abovesaid facts and circumstances, more

the complainant having civil tappings and also since the matter has been compromised, the present petition for anticipatory bail is allowed and the interim order dated 03.03.2020 is made absolute. However, the petitioner shall abide by the conditions as provided under Section 438(2) of Cr.P.C. and shall join the investigation as and when called upon to do so by the Arresting Officer / Investigating Officer.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

November 01, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No