

104 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-10169-2021
Date of Decision : 04.03.2021

Ajay

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Amardeep Singh Sheoran, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in case FIR No. 351 dated 07.11.2020 under Sections 147, 148 and 307 of the IPC, 1860 and Section 25 of Arms Act, 1959 registered at Police Station Kasola, District Rewari, Haryana.

Learned counsel for the petitioner relies upon order dated 09.02.2021 passed in CRM-M-5845-2021, vide which co-accused Lala @ Satyavir has been granted concession of anticipatory bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Pardeep, it is stated that when he was travelling in his Scorpio car, his mother and sister-in-law were sitting on the rear seat and when he stopped the car, five young men came on two motorcycles and co-accused Ajay fired a gun shot which hit the conductor side of the car and another co-accused namely Harinder broke the driver’s side glass as well as middle glass of the car and then left the place by extending threat to the complainant.

Learned counsel for the petitioner further submits that the compromise is effected between the parties as complainant Pardeep has sworn an affidavit dated 07.01.2020 (Annexure-P2) that FIR was registered due to some misunderstanding.

Learned counsel for the petitioner further submits that even as per the allegations in the FIR, nothing is attributed to petitioner Lala @ Satyavir.

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana and Mr. D. P. S. Jaura, Advocate, who are also appearing through video conferencing, accept notice on behalf of the respondent-State and complainant, respectively.

Learned State counsel opposes the prayer on the ground that the presence of petitioner is very much found at the spot along with other accused.

Learned counsel appearing for the complainant Pardeep, has however, acknowledged the fact that there is a compromise between the parties and Pardeep has sworn aforesaid affidavit that he does not want to take any legal action against petitioner Lala @ Satyavir.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further submits that the complainant has sworn in a similar affidavit with regard to petitioner Ajay as well on 10.02.2021 (Annexure P-2).

Notice of motion.

Mr. Deepak Kumar Grewal, DAG, Haryana and Mr. D. P. S. Jaura, Advocate, who are also present in Court, accept notice on behalf of the respondent-State and complainant, respectively.

Learned counsel appearing for the complainant acknowledges the fact that there is a compromise between the parties and the complainant has sworn in aforesaid affidavit that he does not want to take any legal action against petitioner Ajay.

Learned State counsel also does not dispute the factual position.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, this will be subject to the condition that either petitioner or the complainant will deposit Rs.10,000/- as costs with District Legal Services Authority, Rewari for putting the State machinery in action.

It will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

04.03.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No