

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-9773-2020
Date of decision: 09.07.2021

Charanjit Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Sidhu, Sr. Advocate with
Mr. H. S. Sidhu, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Pankaj Garg, Advocate for the complainant.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No. 0005 dated 07.01.2019, registered under Sections 365, 341, 323 and 34 of the IPC at Police Station Sadar, Mansa.

The operative part of the order dated 05.03.2020, vide which the petitioners have been granted interim bail, is reproduced below:

“Learned counsel for the petitioners submits that except Section 365 IPC, all the offences are bailable and as per the allegations in the FIR, offence under Section 365 IPC is not made out as the primary allegations against the petitioners are of causing injuries.

Learned counsel for the petitioners further submits that even a compromise has been effected between the parties and relies upon an affidavit dated 14.01.2019 which is furnished by complainant Karnail Singh. Notice of motion for 20.04.2020.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners

shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

The Investigating Officer is directed to verify the factum of compromise allegedly effected between the parties and apprise the Court on the next date of hearing.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 05.03.2020, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from ASI Sukhpal Singh, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

Learned State counsel further submitted that there was a compromise between the parties, however, learned counsel for the complainant submitted that now the complainant has given a complaint to SSP, Mansa that his son has colluded with accused persons and got the compromise effected and he is not acknowledging the same.

Be whatsoever, considering the fact that it was noticed in the order dated 05.03.2020 that offence under Section 365 IPC is not made out against the petitioners as the primary allegations against the petitioners are of causing injuries to the victim(s), the present petition is allowed and the interim bail granted to the petitioners, vide order dated 05.03.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

09.07.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*