

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-24794 of 2021
Date of Decision : 20.08.2021

Hartej Veer Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Ms. Arti, Kaur, Advocate and

Mr. Bhupender Gupta, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

Custody certificate filed by the learned State counsel in the Court today is taken on record.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.22 dated 26.05.2021 registered under Sections 420, 406, 384, 506 and 120-B of IPC at Police Station NRI, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that the parties have compromised their dispute and on the basis of the said compromise, a co-accused namely, Balwinder Singh has been granted the benefit of anticipatory bail by this Court while passing order dated 13.07.2021 in

CRM-M-24078 of 2021 and the other co-accused namely, Navjot Kaur,

was granted anticipatory bail by the learned Additional Sessions Judge, SAS Nagar, Mohali vide order dated 15.07.2021, copy of which orders have been attached as Annexures A-2 and A-3 with CRM-23061 of 2021.

Learned State counsel on instructions from ASI Balwinder Singh, Police Station NRI, District SAS Nagar, Mohali pleads ignorance about the compromise which has been effected between the parties.

Learned counsel for the complainant Harman Preet Singh s/o Ranjit Singh R/o 151, Folland Avenue, Northgate 5085, Adelaide, South Australia and his cousin Bhupinder Singh Punia submits that the parties have already compromised their dispute and he has also placed on record affidavit of complainant Harman Preet Singh attested in Australia to this effect, which is taken on record. Learned counsel for the complainant further submits that he has no objection, in case, the petitioner is granted benefit of regular bail as the parties want to live peacefully henceforth.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

This Court while passing order dated 13.07.2021 in CRM-M-24078 of 2021 has already granted benefit of anticipatory bail to the co-accused namely, Balwinder Singh. The said order is as under:-

“Reply filed by the State counsel be taken on record.

Mr. Ravinderjeet Singh Dhaliwal, Advocate has filed power of attorney for the complainant, which be taken on record.

Learned counsel for the petitioner has stated that the matter has since been compromised between the parties and complainant Harmanpreet Singh has submitted a written request to the police

authorities for cancellation of the F.I.R in view of the settlement arrived at between the parties. A copy of order passed by Additional Sessions Judge, Mohali dated 9.7.2021 with regard to the compromise between the parties has been placed on record. Learned counsel for the complainant has conceded the factum of compromise between the parties. Learned State counsel on instructions from S.I. Shamsheer Singh has stated that in fact compromise has been arrived at as stated by learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner is ready and willing to join the investigation. Learned State counsel states that the petitioner be directed to do so.

Under such circumstances, the petitioner is directed to join investigation by contacting the Investigating Officer within 7 days from today and render all sort of cooperation. The petitioner has to surrender his Passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard. The next date of hearing is fixed as 23.8.2021. If, in the meanwhile, he is arrested, he be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer.”

The other co-accused namely, Navjot Kaur has also been granted the benefit of anticipatory bail by the Court below vide order dated 15.07.2021. The petitioner is in custody and is seeking parity with the other two co-accused for the grant of benefit of regular bail.

Learned State counsel does not dispute the parity and concedes that the allegations against all the co-accused are similar in nature. Nothing has been pointed out by the learned State counsel before this Court to deny

the parity to the petitioner with his other two co-accused who have already been granted the benefit of anticipatory bail.

Keeping in view the facts and circumstances of this case as noticed hereinbefore, especially, that the parties have compromised their dispute and the other two co-accused have already been granted the benefit of anticipatory bail and learned counsel for the petitioner undertakes that the petitioner will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded, petitioner has made out a case for the grant of regular bail.

In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 20, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No