

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

102+222-A

**CRM-M-24668-2021 (O&M)
Date of decision: 19.07.2021**

Maninder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ajay Pal Singh Rehan, Advocate
for the applicant/petitioner.

Mr. P.S. Walia, Asstt. AG, Punjab
for the respondent-State.

Mr. Mohit Jaggi, Advocate for
Mr. Sandeep Godara, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-21049-2021

Prayer in the present application filed under Section 482 of the Code of Criminal Procedure, 1973 is for correction in the head note and prayer clause of the petition and in order dated 01.07.2021 by adding Section 482 of the Indian Penal Code, 1860 (for short 'the IPC').

Learned Counsel for the applicant/petitioner has submitted that due to inadvertent typographical mistake Section 482 of the IPC was not mentioned in the head note and prayer clause of the petition and accordingly the same was also not mentioned in order dated 01.07.2021 which may be corrected by adding Section 482 of the IPC.

Learned State Counsel and learned Counsel for the complainant have no objection if the application is allowed.

In view of the facts and circumstances of the case and no objection, the present application for correction in the head note and prayer clause of the petition as well as in order dated 01.07.2021 by

adding Section 482 of the IPC is allowed.

The Registry is directed to make the necessary corrections in the head note and prayer clause of the petition as well as in the order dated 01.07.2021 and also in the copy of the same uploaded in the website of this Court.

CRM-M-24668-2021

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.101 dated 24.05.2021 registered under Sections 482 and 379-B of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station City Hoshiarpur, District Hoshiarpur.

The petition has been opposed by learned State Counsel and learned Counsel for the complainant. However, no reply has been filed by the respondent-State and by the complainant.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. From the allegations made in the FIR, no offence under Section 379-B and 482 of the IPC is made out against the petitioner. The petitioner was not involved in any such occurrence. The matter has already been compromised between the parties and petition for quashing of the FIR on the basis of compromise has also been filed in this Court. The petitioner is ready to join the investigation.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

Learned Counsel for the complainant has admitted the factum of compromise and submitted that the complainant has no objection if the petitioner is granted anticipatory bail.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, factum of compromise between the parties and also that there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him.

19.07.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No