

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

CRM-M No.36750 of 2021

Date of Decision: November 09, 2021

Rajveer Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Naresh Jain, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

By this petition, filed under the provisions of Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, upon FIR No.16, dated 10.02.2020, having been registered at Police Station Garhshankar, District Hoshiarpur, alleging therein the commission of offences punishable under Section 420 of the IPC and Section 13 of the Punjab Travel Professional (Regulations) Act, 2014.

On October 25, 2021, the following order had been passed:

“Case heard via video conferencing.

As recorded in the order dated 07.09.2021, learned counsel for the petitioner had submitted that the matter has actually been compromised between the parties and accordingly they were directed to appear before the learned CJM/Ilaqua Magistrate concerned, to record their statements in respect of any compromise reached between them and with the petitioner to be admitted to bail to the satisfaction of that court upon him so appearing and surrendering.

Learned counsel for the petitioner submits that the petitioner in fact is being harassed by one DSP (not named in the petition), on account of the fact that he is appearing as a witness against the said officer and consequently, as the officer is threatening to implicate him in different cases, if he appears before the Ilaqua Magistrate, he may be detained immediately thereafter or prior thereto, which is why he could not appear along with the complainant to record their statements in respect of any compromise reached.

Without making any comment on the correctness of that contention, however, since the persons who are aggrieved of the alleged occurrence as recorded in the FIR in question, are respondents no. 2 to 4, they are now granted 10 days' time to appear before the learned CJM/Ilaqua Magistrate concerned to record their statements, as to whether they have actually reached any settlement/compromise with the petitioner to their satisfaction; and upon them doing so (with the petitioner not to be necessarily present there), after duly establishing their identity proofs to his/her complete satisfaction, the learned CJM/Ilaqua Magistrate would send a report to this court as to whether the compromise arrived at between the parties is of the free will of respondents no. 2 to 4 or not.

Adjourned to 09.11.2021.

Though learned State counsel submits that a reply has been filed on behalf of the respondent-State, that is not seen to be on record, though the report of the learned CJM, Hoshiarpur, dated 22.10.2021, is on record, to the effect that none of the parties appeared before that court.”

Pursuant thereto, a report has been received from the learned Sub Divisional Judicial Magistrate, Garhshankar, dated 02.11.2021, stating to the effect that respondent Nos.2 to 4 appeared before that Court and stated that they have compromised the matter with the petitioner, who was stated to be the only accused person in the FIR; and that the said compromise is voluntary and of their free consent, with the learned

Magistrate also stating that in the opinion of that court it is indeed of the free consent of the parties.

That being so, this petition is allowed, with the order dated 07.09.2021, admitting the petitioner interim bail, made absolute on the same terms and conditions.

November 09, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No