

CRM-M-39673-2021

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

CRM-M-39673-2021

Date of decision: 12.11.2021

Jaspal Singh @ Fauji

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gursimran Singh Bawa, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.44 dated 04.06.2021, registered at Police Station Bhindi Saidan, District Amritsar, under Sections 323, 324, 379, 506 and 34 IPC and Section 326 IPC (added subsequently).

As per the prosecution version, the petitioner gave a *datar* blow on the forehead of the complainant and had snatched his golden chain.

Learned counsel for the petitioner contends that the alleged occurrence took place on 02.06.2021 whereas the above-noted FIR was registered on 04.06.2021. It is a case of version and cross-version and on the statement of the wife of the petitioner, GD No.31 dated 07.06.2021, under Sections 323, 324, 379 and 34 IPC and Section 326 IPC (added subsequently), Police Station Bhindi Saidan, District Amritsar Rural, has been registered. Moreover, a compromise has been effected between the parties, who are the residents of the same village.

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Notice of motion.

On the asking of this Court, Mr. Harpreet Singh Multani, AAG, Punjab, accepts notice on behalf of the respondent-State.

At this stage, Ms. Neetu Singh, Advocate, puts in an appearance and files her power of attorney on behalf of the complainant. She does not dispute the factum of compromise effected between the parties.

I have heard the learned counsel for the parties.

As stated above, the compromise has been effected between the parties. Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds that the petitioner is not required for custodial interrogation and no useful purpose would be served by sending him to custody. Therefore, finding merit in the present petition, the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency would be at liberty to move an appropriate application for cancellation of bail.

12.11.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No