

CRM-M-36390-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36390-2020.
Date of Decision:-04.10.2021.

Vijay Ratra and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Dinesh Arora, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Ashwani Gaur, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.668 dated 24.09.2020 under Sections 323, 506, 34 of IPC and Sections 452, 325, 326 of IPC (added later on), registered at Police Station City, Rohtak.

On 11.11.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

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

Petitioners-Vijay Ratra and Abhishek Ratra have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR

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No.668 dated 24.09.2020 registered at Police Station City Rohtak under Sections 323 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") to which Sections 452, 325 and 326 were added lateron.

Mr. Ashwani Gaur, Advocate has put in appearance on behalf of the complainant and he undertakes to file his power of attorney in the registry.

Learned State Counsel and learned Counsel for the complainant seek time to file reply.

*Adjourned to 05.02.2021. In the meanwhile, petitioners- **Vijay Ratra and Abhishek Ratra** are directed to join the investigation as and when called upon to do so. In the event of their arrest, the petitioners shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim bail allowed to them."*

Learned counsel for the petitioners has submitted that in pursuance of the above-said order, the petitioners have joined the investigation. It has also been submitted that in fact the dispute is between the brothers and their family members and the same has been resolved and he would be filing petition for quashing of the FIR on the basis of compromise.

Learned State counsel has submitted that the petitioners have

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joined the investigation but have not fully co-operated.

Learned counsel for the complainant has submitted that he has instructions to submit that the matter has been compromised.

Keeping in view the above facts and circumstances, moreso, the fact that the dispute is between the brothers and their family members and also the fact that the matter has been compromised, this Court deems it appropriate to allow the present petition.

Accordingly, the present petition is allowed and the interim order dated 11.11.2020 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

October 04, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No