

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42408-2021

Date of decision : 02.11.2021

Aasif and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Manoj Pundir, Advocate
for the petitioners.

Mr.Praveen Bhadu, AAG, Haryana.

Ms.Savita Rana, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR no.0019 dated 02.02.2021, registered under Sections 148, 149, 323, 506 IPC (Sections 325, 308 IPC added later on) at Police Station City Jathlana, District Yamuna Nagar, Haryana.

On 25.10.2021, a co-ordinate Bench of this Court was pleased to pass the following order:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Learned counsel contends that the petitioners have been implicated in a false case, that at best, it was a case of self defence as the complainant's side had attacked the petitioners resulting in simple injuries to one Sanya and Sahid as evident from MLRs Annexure P2

(A) and P2(B), that no overt act except lalkara is attributed to petitioner No.1 while blow with iron rod on the left leg of the complainant is attributed to petitioner No.2, the parties have amicably settled the matter by way of compromise Annexure P/3, through the efforts of respectable persons of the society.

Notice of motion.

Mr.Naveen Kumar Sheoran, DAG, Haryana accepts notice on behalf of respondent No.1-State while Ms. Savita Rana, Advocate puts in appearance on behalf of respondent No.2. Learned State counsel contends that injury attributed to petitioner No.2 is grievous in nature besides the accused along with five others had attacked the complainant party. He requests for time to file reply.

Adjourned to 02.11.2021.”

Learned counsel for the petitioners has submitted that in the present case, matter has been compromised between the petitioners and the complainant. As per the said compromise, the complainant has agreed to give statement in respect of quashing petition filed under Section 482 Cr.P.C. It is also submitted that said compromise has been entered without any fear or coercion.

Learned counsel for the complainant reiterated the fact that the matter has been compromised and has also stated that the complainant has no objection in case the petitioners are granted anticipatory bail.

Learned counsel for the State has opposed the anticipatory bail, however, could not dispute the factum of compromise as the counsel for the complainant has admitted the factum of compromise.

Keeping in view the abovesaid facts and circumstances, more

has been compromised, the present petition for anticipatory bail is allowed and in the event of arrest, the petitioners shall be released on bail subject to furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. The petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of Cr.P.C.

Nothing stated above shall be construed as an 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

November 02, 2021
Davinder Kumar

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