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

CRM-M-43237-2021

Date of decision : 13.10.2021

Jagjit Singh @ Nanna and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sahil Khunger, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.136 dated 21.08.2021 registered under Sections 323, 341, 427, 506, 148, 149 of the Indian Penal Code, 1860 (Section 379-B of IPC has been added later on) at Police Station Koom Kalan, District Ludhiana.

Learned counsel for the petitioners has submitted that in the present case, a compromise dated 16.09.2021 has been effected between the parties and a copy of the same has been placed on record as Annexure P-2 with the present petition and as per the said compromise, the complainant has stated that he would have no objection in case the FIR is quashed. It is

further submitted that on the basis of said compromise, the petitioner alongwith co-accused Paramvir Singh have filed a petition bearing No.CRM-M-39899-2021, under Section 482 of Cr.P.C. titled Paramvir Singh and others Vs. State of Punjab and another, for quashing of FIR, in which, notice of motion has already been issued and the parties have been directed to appear before the trial Court and give their statements. It is also submitted that the fact that the compromise has been effected between the parties, is also apparent from the order dated 29.09.2021 (Annexure P-3) passed by the Additional Sessions Judge, Ludhiana, vide which the bail application of the petitioners had been rejected. Reference has been made to paras 5 and 9 of the same, wherein it has been specifically recorded that the complainant-Harjit Singh had suffered a statement to the effect that the matter has been compromised and he has no objection, if the bail is granted to the petitioners.

Learned counsel for the petitioners has further submitted that as far as Jagjit Singh @ Nanna is concerned, he has been alleged to have raised a *lalkara* and was alleged of having given a stick blow on the right arm of the injured and petitioner No.3-Hardeep Singh has not been attributed any specific injury. It is also submitted that although petitioner No.2-Ramandeep Singh @ Ravi, had been attributed an injury on the head of the injured but the same was with the stick (*danda*) which is not a sharp edged weapon. However, it is reiterated that since the matter has been compromised, thus, the custodial interrogation of the petitioners would not be required.

On advance notice, Mr. Saurav Khurana, DAG, Punjab, appears

and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioners and has submitted that against petitioner No.2-Ramandeep Singh @ Ravi, there is a specific allegation of having given a stick (*danda*) blow on the head of the injured. It is also submitted that the petitioners are involved in other cases as well.

Learned counsel for the petitioners, in rebuttal, has submitted that the petitioners are on bail in all the abovesaid cases and has relied upon a judgment dated 16.01.2012 passed by the Hon'ble Supreme Court in Criminal Appeal No.159 of 2012 titled as **Maulana Mohd. Amir Rashadi Vs. State of U.P. and others 2012 (2) SCC 382**, to contend that it is the facts and the custody undergone by the petitioner in the matter at hand i.e., the present petition, which are to be considered primarily, in order to assess as to whether the petitioner deserves the concession of regular bail or not. Reference has been made to the relevant portion of paragraph 6 which is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard the learned counsel for the parties.

Keeping in view the abovesaid facts and circumstances, moreso

the fact that in the present case, the matter has been compromised as is apparent from the compromise dated 16.09.2021 (Annexure P-2) and also the fact that the petition under Section 482 of Cr.P.C. for quashing of FIR on the basis of the abovesaid compromise, has already been filed and notice of motion has been issued in the same and the fact that the complainant had himself appeared as is apparent from para 9 of the order dated 29.09.2021 (Annexure P-3) and has reiterated the factum of the compromise and had also stated that he had no objection in case, the petitioners were granted bail and also the fact that the custodial interrogation of the petitioners in such a situation would not be required and also in view of the judgment passed in Maulana Mohd. Amir Rashadi's case (Supra), the present petition for anticipatory bail is allowed and the petitioners are granted the concession of anticipatory bail subject to the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioners shall join the investigation as and when called upon to do so.

However, 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.

13.10.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**