

CRM-M-44332 (O&M)

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

(109)

CRM-M-44332-2021 (O&M).
Date of Decision:-22.10.2021.

Charanjit Singh and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Saurabh Sharma, Advocate for the petitioners.
Mr. Gurmeet Singh, AAG, Haryana.
Mr. S.S. Deol, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

CRM-35455-2021

Allowed as prayed for subject to all just exceptions.

CRM-M-44332-2021

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case bearing FIR No.121 dated 13.06.2021 under Sections 148, 149, 323, 324 and 506 of IPC, registered at Police Station Ismailabad, District Kurukshetra.

Learned counsel for the petitioners has submitted that in the present case, compromise has been effected between the parties and has referred to the compromise dated 30.09.2021, which is stated to be duly signed by Gurtej Singh, complainant. He has referred to various clauses of the said compromise including clause 5, wherein, it is mentioned that the

CRM-M-44332 (O&M)

parties are close relatives and the entire dispute between the parties has been resolved. In clause 6 of the said compromise, it has been stated that there is no animosity left between the parties and, thus, it has been resolved that a petition under Section 482 Cr.P.C. would be filed for quashing of the present FIR and both the parties would be bound to give their statements with respect to the same. It has further been pointed out that in fact a petition under Section 482 Cr.P.C., i.e. **CRM-M-43191-2021** has already been filed for quashing of the FIR on the basis of compromise and in the said case, notice of motion has already been issued and the case is now listed for 24.11.2021. Learned counsel for the petitioners has also pointed out that in the present case, the injuries allegedly caused are simple in nature and in fact the only non-bailable offence is under Section 506 IPC.

Notice of motion.

On advance notice, Mr. Gurmeet Singh, learned AAG, Haryana, appears and accepts notice on behalf of the respondent-State and is fully prepared in the matter to assist the Court. Mr. S.S. Deol, Advocate appears on behalf of the complainant.

Learned State counsel has opposed the anticipatory bail application.

Learned counsel for the complainant has submitted that in the present case, the matter has been compromised and has re-affirmed the fact that a petition under Section 482 Cr.P.C. has been filed for quashing of the FIR on the basis of compromise and in the said case, notice of motion has already been issued. He has further submitted that in view of the compromise, he has no objection in case the present petition is allowed and

CRM-M-44332 (O&M)

the petitioner is granted the concession of anticipatory bail.

This Court has heard the learned counsel for the parties and has carefully gone the record.

Keeping in view the above facts and circumstances, moreso, the fact that in the present case, the matter has already been compromised and the parties are closely related to each other and all the disputes between the parties have already been resolved and a petition under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise has already been filed in which notice of motion has been issued and also the fact that the only non-bailable offence in the present case is under Section 506 of IPC, this Court deems it fit to allow the present petition for grant of anticipatory bail.

Accordingly, the present petition 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 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.

Since the main case has been allowed, pending miscellaneous application, if any, shall also stand disposed of.

(VIKAS BAHL)
JUDGE

October 22, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No