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

1. CRM-M-49539-2021
Date of decision : 26.11.2021

Paras Bassi

...Petitioner

Versus

State of Punjab and another

...Respondents

2. CRM-M-49573-2021

Amandeep Singh @ Amna

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gurpreet Singh Dhillon, Advocate for the petitioner(s).
(In both the cases)

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Mr. Aayush Arora, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

By this common order, two petitions bearing CRM-M-49539-
2021 and CRM-M-49573-2021, filed under Section 438 of Cr.P.C. for grant
of anticipatory bail to the petitioner(s) in FIR No.31 dated 16.03.2021

registered under Sections 307 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, at Police Station Ladhuwal, District Police Commissionerate Ludhiana, Punjab, shall stand disposed of.

First petition i.e. CRM-M-49539-2021 has been filed by Paras Bassi and the second petition i.e. CRM-M-49573-2021 has been filed by Amandeep Singh @ Amna.

Learned counsel for the petitioner(s) has submitted that in the present case, even as per the prosecution version, no injury had been caused to any person and the FIR had been registered after a delay of 2 days. It is further argued that as far as the petitioner-Paras Bassi (In CRM-M-49539-2021) is concerned, he was not even armed with any weapon and was only stated to have hurled the abuses. It is submitted that even the petitioner-Amandeep Singh @ Amna (In CRM-M-49573-2021), is although stated to have been armed with weapon but no injury has been caused to any person.

Learned counsel for the petitioner has further referred to affidavit of complainant-Harjit Singh (Annexure P-2), in order to submit that he had stated that in fact, the alleged incident had taken place late night and on account of darkness, he could not identify the assailants and it was on the basis of misguided suspicion, he had given the name of petitioners as accused in the FIR and after making certain enquiries, he came to know that the petitioners were not the assailants who had committed the alleged offence. It is further submitted that in fact, in the present case, the provision of Section 307 of IPC is not even remotely attracted inasmuch as there is no opinion of any Doctor declaring any injury to be dangerous to life nor any such incident had taken place so as to attract Section 307 of IPC. It is further argued that at

any rate, the matter has been compromised and the petitioner would be filing the petition for quashing of FIR on the basis of compromise.

Notice of motion.

On advance notice, Mr. Sarabjit Singh Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and Mr. Aayush Arora, Advocate appears on behalf of the complainant.

Learned counsel for the State 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 petitioner(s) and has submitted that from petitioner-Amandeep Singh @ Amna (In CRM-M-49573-2021), weapon has to be recovered.

Learned counsel for the petitioner, in rebuttal to the said argument, has submitted that in fact, the petitioner-Amandeep Singh @ Amna was not involved in the said incident and does not have any weapon and thus, question of recovery of the same would not arise.

Learned counsel for the complainant has reiterated the fact that the matter has been compromised and has also stated that the affidavit (Annexure P-2) annexed with the present petition has been duly signed by the complainant without any coercion or undue influence and has further referred to the order dated 21.10.2021 (Annexure P-3) in which also, the fact with respect to the compromise had been referred to by the Additional Sessions Judge, Ludhiana.

This Court has heard the learned counsel for the parties and has perused the paper book.

It is not in dispute that there is no injury attributed to any

person in the present case. The FIR has been registered after a period of two days. The complainant in his affidavit (Annexure P-2), which has been admitted by the learned counsel for the complainant, has stated that it is not the petitioners who were involved in the present incident. It is highly debatable as to whether the provision of Section 307 of IPC would be attracted in this case as no injury has been caused. At any rate, since the complainant also has submitted that the petitioners are not involved in the present case, thus, the said provision of Section 307 of IPC would not be attracted against the petitioners in any case.

Keeping in view the abovesaid facts and circumstances, both the petitions are allowed and the petitioner-Paras Bassi (In CRM-M-49539-2021) and the petitioner-Amandeep Singh @ Amna (In CRM-M-49573-2021), are granted the concession of anticipatory bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, they shall join the investigation as and when called upon to do so.

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.

26.11.2021

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No