

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53368-2021

Date of decision : 21.12.2021

Abhilekh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Abhilaksh Grover, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

Mr.Sanpreet Sandhu, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first bail petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.248 dated 17.08.2021 registered under Sections 148, 149, 307, 341 IPC and Sections 25, 54 of the Arms Act, 1959 at Police Station Bilaspur, District Yamuna Nagar.

Learned counsel for the petitioner *inter alia* contends that in the present case, Dinesh Kumar, father of the petitioner, had got FIR no.247 dated 17.08.2021 registered against the son of the complainant and other accused therein on the allegations that the said persons had fired shots on the car in which the petitioner was travelling and on account of same, glass of the car had broken. It is submitted that as a counter blast, the father of the accused in FIR no.247 dated 17.08.2021 had got the present FIR registered

against the petitioner and other co-accused. It is further submitted that no injury has been caused to any person even as per FIR no.248 dated 17.08.2021 and in fact the matter has been compromised as is apparent from the affidavit dated 26.08.2021 (Annexure P-3). It is further submitted that in fact in the present case offence under Section 307 IPC is not made out as neither there is any injury to any person nor there is any opinion of the doctor to that effect and rather Section 307 IPC had been added at the time of the registration of the FIR itself. It is also submitted that the petitioner is not involved in any other case.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the respondent-State and has submitted that he is fully prepare to argue the matter and assist this Court. He has opposed the present petition for anticipatory bail.

Mr.Sanpreet Sandhu, Advocate, appears on behalf of the complainant and has reaffirmed the fact that in the present case a compromise has been effected. He has also stated that he has no objection in case the petitioner is granted anticipatory bail. It is further submitted that the factum with respect to the compromise is also apparent from para 6 of the impugned order dated 15.12.2021 (Annexure P-4).

Keeping in view the above said facts and circumstances moreso, the fact that the present case is a counter blast to FIR no.247 dated 17.08.2021 and also the fact that even as per the FIR, no injury has been caused to any person and the matter has been compromised as is apparent from the affidavit dated 26.08.2021 (Annexure P-3) and also from the perusal of the impugned order dated 15.12.2021 (Annexure P-4) moreso,

para 6 and also from the fact that the learned counsel for the complainant has reaffirmed the factum of compromise and also since the petitioner is not involved in any other case, the present petition for anticipatory bail is allowed and in the event of arrest, the petitioner shall be released on bail subject to furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. The petitioner 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 petition.

(VIKAS BAHL)
JUDGE

December 21, 2021
Davinder Kumar

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