

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-3906-2022

Date of decision : 01.02.2022

Navjot Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.R.K.Grewal, Advocate
for the petitioner.

Mr.V.G.Jauhar, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. read with Section 482 Cr.P.C. praying for anticipatory bail to the petitioner in FIR no.69 dated 05.12.2021 registered under Sections 323, 324, 307 and 34 IPC at Police Station Sudhar, District Ludhiana (Rural), Punjab.

Learned counsel for the petitioner has submitted that in the present case, the complainant and the petitioner are close relatives inasmuch as, the daughter of the complainant was married to the paternal uncle of the petitioner and there was civil litigation pending between the parties. It is further submitted that the parties have compromised the matter and has relied upon the compromise deed dated 11.01.2022 (Annexure P-2). A perusal of the said compromise deed would show that the complainant Ajmer Singh along with other persons have specifically stated that they have no objection in case the present FIR is quashed. A further perusal of

the said compromise would also show that the petitioner party would be bound by the decision of the civil court and to implement the same. The factum with respect to the compromise has already been noticed in the order dated 19.01.2022 vide which, the concession of anticipatory bail to the petitioner has been rejected. It is further submitted that no overt act has been attributed to the petitioner and no injury has been inflicted by the present petitioner to the injured person.

Notice of motion.

On advance notice, Mr.V.G.Jauhar, Sr.DAG, Punjab, 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 and has submitted that although, no injury has been attributed to the present petitioner but he has participated in the entire incident during which the injuries have been inflicted upon Ajmer Singh.

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

It is not in dispute that no injury has been attributed to the petitioner and it is the co-accused Harjinder Singh, who has been attributed the injuries caused. The matter has been compromised between the parties and a detailed compromise deed dated 11.01.2022 has been annexed as Annexure P-2 along with the present petition, as per which the complainant party has specifically stated that they have no objection in case the present FIR is quashed. It is the case of the parties that the petitioner and the complainant are related to each other and the daughter of the complainant is married to the paternal uncle of the petitioner, and even the civil litigation

pending between the parties, has been compromised. The parties are stated to be in the process of filing a petition under Section 482 Cr.P.C. for quashing of FIR on the basis of said compromise.

Keeping in view the above said facts and circumstances, the present petition for anticipatory bail is allowed and in the event of arrest, the petitioner is ordered to be released on bail subject to his 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.

It is made clear, in case, the petitioner fails to join the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

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

February 01, 2022

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No