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

CRM-M-4367-2022

Date of decision : 03.02.2022

Vinod Kumar and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. G.S. Sandhu, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.387 dated 19.11.2019 registered under Sections 148, 149, 323, 325 and 506 of the Indian Penal Code, 1860 (Section 307 of IPC has been added later on) at Police Station Nissing, District Karnal.

Learned counsel for the petitioners has submitted that in the present case, even as per the allegations levelled in the FIR, the petitioners were empty handed and no specific injury has been attributed to the petitioners and there are only bald allegations that the petitioners had given kicks and fist blows to the complainant. It is further submitted that in the present case, both the parties belong to same community i.e. Paasi and are

residents of the same area and with the intervention of the respectables, the matter has been compromised and a petition for quashing of FIR on the basis of compromise i.e. CRM-M-3512-2020 has already been filed, in which notice of motion was issued on 27.01.2020, and the statements of the parties have already been recorded and as per the report dated 06.02.2020, submitted by the Judicial Magistrate Ist Class, Karnal, compromise is found to be genuine and bona fide. It is further contended that the petitioners are 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 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. However, the factual assertions made by the learned counsel for the petitioners could not be disputed by the learned State Counsel.

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

It is not in dispute that even as per the allegations levelled in the FIR, the petitioners were empty handed and no specific injury has been attributed to them and only general allegations have been made that the petitioners had given kicks and fist blows to the complainant. The matter has been compromised and the petitioners have filed a petition for quashing of FIR on the basis of the compromise i.e. CRM-M-3512-2020, in which case, a Coordinate Bench of this Court vide order dated 27.01.2020 was pleased to issue notice of motion and had also directed the parties to get

their statements recorded in pursuance of the said order. The statements have been recorded and as per the report dated 06.02.2020 submitted by Judicial Magistrate Ist Class, Karnal, the complainant/injured persons/victims have all supported the factum of compromise and it has been observed in the said report that the compromise is genuine and voluntary and has been entered into without any fear or pressure. The petitioners are not involved in any other case and nothing is to be recovered from the petitioners.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioners 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, the petitioners shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioners fail 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 petitioners.

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.

03.02.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**