

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

CRM-M-5318-2022

Date of Decision: 26.07.2022

SAHIL ALIAS SAHIL KUMAR ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ritesh Pandey, Advocate, for the petitioner.

Ms. Ishneet Kaur, AAG, Punjab.

VIVEK PURI, J.(ORAL)

On 06.04.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 129 dated 29.10.2019, registered under Sections 323/324/326/148/149 IPC, 1860 at Police Station Dhariwal, District Gurdaspur.

At the very outset, learned counsel for the petitioner contends that the earlier application for anticipatory bail was dismissed as withdrawn.

Briefly, the FIR has been registered on the basis of the statement of Sunil Tinen alleging that on 25.10.2019, he had gone to the Moudgil Filling Station, Gurdaspur Road Dhariwal for fueling. Petitioner inflicted injuries upon him. He also sprinkled the petrol on the car and asked to the co-accused to put the same on fire. The complainant tried to run away. However, at the subsequent stage, the petitioner inflicted datar blow on the right leg.

Learned counsel for the petitioner contends that the dispute has been amicably settled with the complainant in terms of compromise dated 03.08.2020 (Annexure P-3) and a petition for quashing of FIR on the basis of compromise bearing CRM-M-37248-2020 has already been instituted.

In the reply, the fact of presentation of such petition has not been disputed.

Even, the injury under Section 326 IPC has been attributed to the petitioner but is on the right leg of the injured.

Ms. Sandeep Kaur, Advocate for Mr. Manoj K. Sharma, Advocate has put in appearance on behalf of respondent No.2/complainant and filed power of attorney. She has acknowledged the fact of compromise.

Adjourned to 20.07.2022.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. As per the medical record, there is no grievous injury, though, the offence under Section 326 IPC has been added in the instant case. The weapon of offence has been recovered from the petitioner.

Learned State counsel, on instructions from ASI Ranjit Singh, has not assailed the aforesaid factual aspect(s) and further contends that the custodial interrogation of the petitioner is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 06.04.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

26.07.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No