

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-9935-2021
Decided on : 19.04.2022

Sahab Singh and others

. . . Petitioners

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Rajesh Duhan, Advocate
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No. 184 dated 03.11.2020 under Sections 307, 323, 341 and 506 read with Section 34 of the Indian Penal Code, 1860 registered at Police Station Guhla, District Kaithal.

On 04.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:

“The petitioners are seeking anticipatory bail in FIR No.184 dated 03.11.2020, under Sections 307, 323, 341, 506 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Guhla, District Kaithal.

Learned counsel for the petitioners contends that FIR is the outcome of a sudden quarrel between residents of the same village. The other injuries which are simple in nature except an injury with a wooden bat on the waist of the complainant which

is attributed to petitioner No. 2. He also contends that with the intervention of the respectables, the matter has been compromised. He has referred to the copy of the affidavit of the complainant in this regard at Annexure P1.

Issue notice to the respondent.

At the asking of the Court, Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the respondent-State.

Mr. Baljeet Nain, Advocate, has put in appearance on behalf of the complainant and filed 'vakalatnama', which is taken on record. He contends that the matter has indeed been compromised.

List on 05.04.2021.

In the meantime, the petitioners are directed to appear before the investigating/arresting officer and join investigation.

In the event of their arrest, the investigating/arresting officer shall release the petitioners on ad interim bail subject to his satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

04.03.2021 *Sd/-*
(ANUPINDER SINGH GREWAL)
JUDGE ”

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have joined the investigation and are not involved in any other case.

Learned State counsel, on instructions from SI Ramesh Chand, has submitted that the petitioners have joined the investigation and the matter is stated to be compromised but the present case is a case under Section 307 IPC.

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

A coordinate Bench of this Court vide order dated 04.03.2021, had noticed the fact that the FIR was registered on account of sudden quarrel between residents of the same village and all the injuries, except the injury on the waist of the complainant, were declared to be simple. The matter is stated to have been compromised.

Learned counsel for the complainant had also appeared on the said date and had reiterated the fact that the matter has been compromised.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 04.03.2021 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 04.03.2021 is ordered to be made absolute.

However, 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.

(VIKAS BAHL)
JUDGE

19.04.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No