

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(208)**

CRM-M-14907-2021
Date of decision:- 21.01.2022

Amrinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Parminder Singh Sekhon, Advocate for
Mr. Bikramjit Singh Bajwa, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab for respondent No.1.

Mr. Gaurav, Advocate for
Mr. Rajdeep Singh Gill, Advocate for respondents No.2 to 4.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking grant of pre-arrest bail in case FIR No.258 dated 24.11.2020, registered for offences under Sections 307, 324, 323, 452, 354, 148 and 149 of the Indian Penal Code, 1860 at Police Station Shri Hargobindpur, District Batala, Annexure P-1.

FIR, Annexure P-1, has been registered on the statement of Palwinder Kaur on the allegation that accused-petitioners, namely, Davinder Singh, Inderjit Singh @ Princepal and Amrinder Singh armed with datar along with 20 unknown persons, who were also armed, came in three different vehicles, forcibly entered her house and hurled abuses. When her father-in-law tried to stop them, Inderjit Singh @ Princepal gave a datar

blow on his head, and Amrinder Singh gave a datar blow on his left shoulder. Her husband, Sarabjit Singh, tried to intervene and he was hit by Davinder Singh on his head. When she tried to push the accused away, Inderjit Singh @ Princepal and Amrinder Singh caught her by her arms, slapped her and outraged her modesty. The reason behind the attack was that the family members of the complainant had objected when the accused ploughed the common path leading to their electric motor installed in the agricultural field.

Counsel for the petitioners submits that though the injury attributed to Davinder Singh has been declared to be dangerous to life, but the dispute between the parties, who are co-villagers, has been settled by virtue of compromise, Annexure P-6, and a separate petition (CRM-M-6737-2021) has been filed seeking quashing of FIR on the basis of compromise in which this Court had issued notice to the respondents.

Learned State counsel, upon instructions, from ASI, Major Singh submits that the petitioners have joined the investigation and they are no longer required for custodial interrogation.

Heard counsel for the parties.

While granting interim protection to the petitioners, this Court passed the following order on 06.04.2021:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.258 dated 24.11.2020, registered under Sections 307, 324, 323, 452, 354, 148 and 149 IPC at Police Station Shri Hargobindpur, District Batala.

Learned counsel contends that a case was registered against the petitioners on a misunderstanding, but the same had been dispelled and matter compromised, besides, after investigation, cancellation report had been prepared by Inspector Baljit Kaur, SHO Police Station Shri Hargobindpur, District Batala.

Notice of motion.

Mr. Hittan Nehra, learned Addl. AG, Punjab, accepts notice on behalf of respondent No.1 and confirms that Inspector Bajit Kaur, SHO Police Station Shri Hargobindpur, District Batala has prepared cancellation report on 18.03.2021, but the same is pending approval with the Senior Superintendent of Police, Batala.

Mr. Rajdeep Singh Gill, Advocate puts in appearance and accepts notice on behalf of respondent Nos.2 to 4 and confirms compromise having taken place amongst the parties.

Adjourned to 18.05.2021.

In the meantime, the petitioners are directed to join investigation and fully cooperate with the police. However, in the event of arrest, they be released on ad-interim pre-arrest bail, subject to their furnishing bail/surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioners shall also abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to them shall stand vacated.

State counsel points out that though the cancellation report had been prepared, but the same has not been approved by the higher authorities.

Keeping in view the fact that the dispute has settled, petitioners have joined the investigation and are no longer required for custodial interrogation, order dated 06.04.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

Petition is allowed.

21.01.2022
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No