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

CRM-M-15299-2022

Date of decision : 18.04.2022

Rashpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.217 dated 31.08.2021 registered under Sections 307/324/323/148/149 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 at Police Station Maqboolpura, District Amritsar.

Learned counsel for the petitioner has submitted that in the present case, the only injury which has been attributed to the petitioner is an injury on the little finger of right foot of Dharamvir Singh and regarding the same, there is no MLR. It is further submitted that the

compromise has been effected between the parties and as per the said compromise, it has been stated by the complainant i.e. Rahul as well as the injured i.e. Dharamvir Singh and Shamsheer Singh that they have no objection in case the present FIR is quashed. It is contended that on the basis of the said compromise dated 18.01.2022 (Annexure P-2), a petition i.e. CRM-M-4948-2022 has been filed under Section 482 of Cr.P.C. for quashing of FIR in question on the basis of compromise, in which the Coordinate Bench of this Court has been pleased to issue notice of motion and the said case is now pending for hearing on 17.05.2022. It is further contended that in the present case, at the time of registration of the FIR itself, Section 307 of IPC had been added without there being any medical opinion to the effect that any of the injuries caused were dangerous to life. It is also contended that the petitioner is not involved in any other case.

Notice of motion.

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, 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 petitioner and submitted that in the present case, the petitioner had also participated in the occurrence and specific injury had been attributed to the petitioner i.e. injury on the little finger of right foot of Dharambir Singh.

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

It is not in dispute that only injury which has been attributed to the petitioner is an injury on the little finger of right foot of Dharambir Singh and regarding the same, there is no MLR. It is also apparent from the record that compromise dated 18.01.2022 (Annexure P-2) has been arrived at between the parties and as per the said compromise, complainant i.e. Rahul and injured i.e. Dharamvir Singh and Shamsheer Singh have specifically stated that they have no objection in case the present FIR is quashed. A petition i.e. CRM-M-4948-2022 has also been filed by the petitioner alongwith other co-accused for quashing of FIR on the basis of compromise and in the said case, the Coordinate Bench of this Court has already issued notice of motion and the same is now listed for hearing on 17.05.2022. In the said case, counsel has appeared on behalf of the complainant and injured in support of the petition. The factum with respect to compromise is also apparent from para 4 of the impugned order dated 14.03.2022 (Annexure P-3) vide which anticipatory bail of the petitioner was rejected. It is also the case of the petitioner that offence under Section 307 of IPC had been added in the FIR at the time of its registration itself without there being any opinion of the Doctor declaring any of the injuries caused to be dangerous to life. At any rate, any such injury has not been attributed to the petitioner. The petitioner is stated to be not involved in any other case.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his 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 petitioner shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with 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 application.

18.04.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**