

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+208

CRM-M-16118-2022(O&M)

Decided on :01.06.2022

Manpreet Singh Bhatal

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vikas Chatrath, Advocate and
Mr. Abhishek Singla, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

CRM-18976-2022

This is an application under Section 482 Cr.P.C. to amend the name of the petitioner in the title of the case from 'Manpreet Singh Bhatal' to 'Manpreet Singh Bhathal'.

Allowed as prayed for.

The name of the petitioner be now read as 'Manpreet Singh Bhathal' instead of 'Manpreet Singh Bhatal' in the title of the case.

Registry is directed to carry out the necessary correction.

Main Case

This is a petition for grant of anticipatory bail to the petitioner in FIR No.31 dated 15.03.2021 registered under Sections 307, 452, 427, 380, 148, 149, 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act registered at Police Station Punjab Agriculture University, District Police Commissionerate Ludhiana.

On 21.04.2022, this Court was pleased to pass the following

order:-

“Learned counsel for the petitioner inter alia contends that the present case is a case of no injury and compromise has been effected between the parties in the present case and as per the compromise deed dated 24.09.2021 (Annexure P-3), the complainant has stated that on account of darkness, the person who had attacked him, could not be recognized and it was only on the basis of doubt and misunderstanding that the petitioner and other co-accused had been named and he has no objection, in case, the present FIR is quashed. It is also submitted that co-accused of the petitioner namely Harshdeep Singh who is similarly placed as the present petitioner, has already been granted the concession of anticipatory bail by the Additional Sessions Judge, Ludhiana vide its order dated 28.01.2022 (Annexure P-4).

Notice of motion.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 26.05.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Subsequently on 26.05.2022, the following order was

passed:-

“Learned State counsel has submitted that though, the petitioner has joined the investigation, but he is not cooperating with the investigation.

Adjourned to 01.06.2022.

The petitioner is again directed to join the investigation on 31.05.2022 at 11.00 AM.

Interim order to continue. ”

Learned counsel for the petitioner has submitted that in pursuance of the above orders, the petitioner has joined the investigation and he has filed a petition under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise, which is likely to be listed in the near future.

Learned counsel for the State has submitted that although, the petitioner has joined the investigation but the alleged weapon has not been recovered from him.

Learned counsel for the petitioner, in rebuttal, has submitted that even as per the compromise, the complainant has himself stated that the petitioner and the other accused were not the assailants who had committed the offence.

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

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 21.04.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 21.04.2022 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

June 1st,2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No