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

CRM-M-19849-2022

Date of decision : 10.05.2022

Inderjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prateek Sodhi, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.197 dated 23.09.2021 registered under Sections 307 and 34 of the Indian Penal Code, 1860 and Sections 25, 27 of the Arms Act, 1959, at Police Station Civil Lines Batala, District Batala.

Learned counsel for the petitioner has submitted that in the present case, compromise dated 04.03.2022 (Annexure P-2) has been entered into between the petitioner, the other co-accused and the complainant and as per the said compromise, the complainant has submitted that he has no objection in case the present FIR against the petitioner and other co-accused is quashed. It is further submitted that in the petition filed under Section 482 of Cr.P.C. for quashing of the present FIR on the basis of compromise, counsel for the complainant had also appeared and had confirmed the factum of compromise.

Learned counsel for the petitioner has contended that the complainant has also given an affidavit dated 23.03.2022 (Annexure P-3) in support of the compromise. It is further contended that even as per the FIR, neither any injury has been attributed to the petitioner nor he was stated to be carrying any weapon. It is argued that the only allegations levelled against the petitioner are that he had incited his son, on account of which, one injury was caused to the complainant. It is further argued that a perusal of the FIR would show that the present case is a case of sudden fight. It is further submitted that the petitioner is 60 year old person and is not involved in any other case.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, 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 on the ground that there is an allegation levelled against the petitioner that he had incited his son to cause an injury to the complainant and it is the son of the petitioner who had then inflicted the injury upon the complainant.

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

It is the case of the petitioner that the compromise dated 04.03.2022 (Annexure P-2) has been entered into and as per the said compromise, complainant has made a statement that he has no objection in case the present FIR is quashed. An affidavit of the complainant dated 23.03.2022 (Annexure P-3) to the said effect has also been annexed with the

petition. In a petition filed by the petitioner under Section 482 of Cr.P.C. for quashing of the FIR on the basis of compromise, counsel for the complainant had also appeared in support of the said compromise. A perusal of the FIR would show that neither any injury has been attributed to the petitioner, nor he was stated to be carrying any weapon and the present case is a case of sudden fight. The petitioner is stated to be not involved in any other case and is a 60 year old person.

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.

10.05.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**