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

CRM-M-20289-2022

Date of decision : 12.05.2022

Shubham

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Dev Kaushik, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is second petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.57 dated 19.02.2022 registered under Sections 307 and 506 of the Indian Penal Code, 1860 and Sections 25/54/59 of the Arms Act at Police Station Sector-6, Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner has submitted that the first bail application bearing No.CRM-M-17836-2022 was filed by the petitioner directly before this Hon'ble Court and, therefore, it was withdrawn with liberty to first approach the Sessions Court. It is further submitted that the petitioner had approached the Sessions Court and the Sessions Court has dismissed the anticipatory bail application on

09.05.2022 and thus, in effect, the present application for anticipatory bail is the first anticipatory bail application filed after having approached the Sessions Court. It is contended that in the present case, neither any injury has been caused to any person nor, even as per the FIR, there was any intention to cause injury to any person and offence under Section 307 of IPC is prima facie not made out against the petitioner. It is further contended that at any rate, the matter has been compromised and the reference in this regard has been made to compromise dated 31.03.2022 (Annexure P-2), vide which, the complainant-Amit has stated that there were fire crackers during ghrchari and he was under the wrong impression that there was gunshot and had stated that he has no objection in case, the present FIR is quashed. It is further argued that on the basis of compromise, the petitioner has filed a petition for quashing of the FIR, bearing No.CRM-M-16091-2022 titled as Shubham Vs. State of Haryana and another, in which, the Coordinate Bench of this Court was pleased to issue notice of motion and the said case is now fixed for 02.08.2022 and in the said case, counsel for the complainant had appeared and had admitted the factum of the compromise dated 31.03.2022.

Notice of motion.

On advance notice, Mr. Munish Sharma, AAG, Haryana, 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 has submitted that as per the allegations levelled in the FIR, the

petitioner had fired without seeing up and down. However, the fact that there is no injury has not been disputed.

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

The present case is a case of no injury. The petitioner is stated to have compromised the matter with the complainant as is apparent from the compromise dated 31.03.2022 (Annexure P-2) and as per the said compromise, the complainant had stated that there was fire crackers burning during Ghrchari and he was under the wrong impression that a fire shot had been fired in the air and had specifically stated that he has no objection in case, FIR against the present petitioner is quashed. The petitioner is stated to have filed petition bearing No.CRM-M-16091-2022 for quashing of FIR on the basis of compromise, in which, the Coordinate Bench of this Court was pleased to issue notice of motion and had also directed the parties to record their statements and in the said case, even counsel for the complainant had appeared and had admitted the factum of compromise dated 31.03.2022 effected between the parties.

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.

12.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No