

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

CRM-M-24048-2021
Date of decision: 24.03.2022

Sahil

...Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Subhash Kumar, Advocate,
for the petitioner.

Mr. Abhinav Gupta, APP, U.T. Chandigarh.

Mr. Rajender Singh Duggal, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.48 dated 14.03.2021, registered at Police Station East, Sector 26, Chandigarh, under Sections 323, 341, 379-B, 506 and 34 IPC.

Vide order dated 20.08.2021 passed by this Court, the petitioner had been granted *ad interim* pre-arrest bail and directed to join investigation. A relevant extract of the order dated 20.08.2021 would read as under:

“Learned counsel for the petitioner submits that initially the petitioner was not named in the FIR but he was later on indicated on the basis of the disclosure

statement of co-accused-Kartik; that no injury has been attributed to the petitioner and that there is no other case registered or pending against the petitioner.

Learned State counsel submits that a compromise has been effected between the petitioner and the complainant and accordingly the statement of complainant-Rajat was recorded on 14.07.2021 (Annexure R-1).

Adjourned to 12.11.2021.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.

Learned counsel for the petitioner submits that pursuant to the order dated 20.08.2021 passed by this Court, the petitioner has joined investigation.

Learned A.P.P., on instructions from SI Subhash Chand, submits that although the petitioner has joined the investigation, yet the fact remains that specific injuries have been attributed to him. Learned A.P.P. further submits that opinion of the doctor qua the same is still awaited and iron rod is to be recovered from the petitioner.

At this, learned counsel for the petitioner submits that the injuries on the person of the complainant were lacerated wounds only and the same cannot be caused with an iron rod.

Learned counsel for the complainant submits that a compromise has been effected between the parties and he has no objection, if the present petition is allowed.

Although the opinion of the doctor qua the injuries is still awaited, yet the fact remains that the matter has been compromised between the parties and the petitioner has already joined the investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 20.08.2021 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

24.03.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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