

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CRM-M-28775-2022

Decided on :08.07.2022

Anand Kumar @ Golu

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Dr. Naresh Kaushik, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Vinod Bhardwaj, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner in FIR No. 119 dated 14.06.2022 registered under Sections 148, 149, 324 and 506 of the Indian Penal Code, 1860 registered at Police Station Sector-20, District Panchkula.

Learned counsel for the petitioner, inter alia, contends that in the present case, the matter has been compromised and has referred to the compromise deed dated 25.06.2022 (Annexure P-2), as per which it has been stated that the complainant has no objection in case the FIR in question is quashed. It is further submitted that in the present case, there is only one injured namely Raj-respondent No. 2, who has entered into the said compromise. It is contended that only one injury has been attributed to the present petitioner which is on a non vital part of the body i.e. waist. It is further contended that the petitioner is not involved in any other case.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of State of Punjab. He has opposed the present application for anticipatory bail and has submitted that the petitioner alongwith other co-accused had caused four injuries to the complainant.

Learned counsel appearing for respondent No. 2 has stated that the matter has been compromised vide compromise deed dated 25.06.2022 (Annexure P-2) and the complainant has also submitted an affidavit dated 25.06.2022 (Annexure P-3) to the effect that the complainant has no objection in case the present FIR is quashed.

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

It is the common case of the petitioner and the respondent No. 2 that the matter has been compromised vide compromise deed dated 25.06.2022 and the said compromise is genuine and bonafide and has been entered into without any coercion or undue influence and respondent No. 2 has no objection in case the FIR is quashed. Respondent No. 2 has also submitted his affidavit dated 25.06.2022 (Annexure P-3) to the said effect. It is also the common case that there is only one injured in the present case i.e. Raj, who has given the said affidavit with regard to the compromise. The petitioner has been alleged to have given injury on the waist of the complainant which is a non vital part of the body. 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) 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.

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

July 8th,2022
Mehak

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