

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

106

CRM-M-32616-2022

Date of decision: 28.07.2022

NARENDER KUMAR @ NARENDER AND ORS

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Kartik, Advocate
for Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. P.P.Chahar, DAG, Haryana.

Mr. Sumit Kumar, Advocate
for respondents No. 2 to 4.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., wherein the petitioner seeks the indulgence of this court for grant of anticipatory bail.

2. In FIR bearing No.283 of 12.07.2022, registered at Police Station Gadhpuri, District Palwal, offences constituted under Sections 147, 149, 323, 341 and 506 IPC, are embodied.

3. Though, the petition FIR reveals that an incriminatory role qua the petition offences, is assigned to the present bail petitioner, but the relevant fact that a compromise, has occurred during the pendency of the investigations, into the petition FIR, a copy whereof, is appended as Annexure P-2, with the petition, does constrain this court to allow the petition.

4. Consequently, and, also when the learned counsel appearing for the aggrieved-victim-complainant, has also stated at the bar, that a compromise, appended as Annexure P-2, to the petition, is consensually drawn, and, has further stated that in respect thereof, a quashing petition under Section 482 Cr.P.C., bearing No. CRM-M-32776-2022, has become instituted before this court, whereons, an order of even date, has been made, hence directing the learned Illaqa Magistrate concerned, to transmit a report to this court with respect to the voluntariness, and bonafides, of the compromise, as, depended upon the petitioner, and, the respondents-complainant, for thereafter this court, becoming enabled to, through exercising jurisdiction under Section 482 Cr.P.C., make an order for quashing of the FIR (supra).

5. In consequence, this court does not deem it fit, and appropriate, to order for the custodial interrogation of the present bail petitioner, as, thereupon, the very purpose of the compromise drawn amongst all concerned, would becomes completely frustrated, and, also would result in the bail petitioner being unnecessarily subjected to police custody, and, whereupon his personal liberty would become jeopardized.

6. Moreover, also, when at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence, thereupon too, it is not deemed fit to decline the relief of pre-arrest bail to the petitioner.

7. In aftermath, the present petition is allowed, and, the bail

applicant-petitioner is admitted to anticipatory bail, and, in the event of his arrest, he may not be arrested by the investigating officer concerned, but, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering his cooperation to the investigating officer. Moreover, he shall also give an undertaking that he shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

28.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No