

101

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

CRM-M-33169-2022

Date of decision : 01.08.2022

Jaskaran Singh @ Jassa and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kewal Krishan, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. T.S. Hundal, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.53 dated 16.06.2022 registered under Sections 323, 324, 325, 326, 452, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Sadar Nawanshahar, District SBS Nagar.

Learned counsel for the petitioners has submitted that in the present case, the matter has been compromised and has referred to Panchayati compromise dated 25.07.2022 (Annexure P-4), as per which, the complainant as well as victims namely Sandeep and Amandeep Kaur have stated that it would be open to the second party i.e. the petitioners to get the FIR quashed by way of filing a petition under Section 482 of Cr.P.C. on the basis

of compromise. It is further submitted that the said compromise has been signed by all the three persons namely Jhujhar Singh, Sandeep and Amandeep Kaur and the petitioners as well as the complainant and victims are in the process of filing a petition under Section 482 of Cr.P.C. for quashing of FIR on the basis of compromise.

Learned State Counsel has opposed the present petition and has submitted that in the present case, two persons have been injured i.e. Jhujhar Singh and Sandeep. It is further submitted that Jhujhar Singh has suffered total six injuries whereas the said Sandeep has suffered one injury.

Learned counsel for respondent No.2 has however submitted that the matter has been compromised and has further stated that the compromise dated 25.07.2022 (Annexure P-4) is a genuine document and has been executed between the parties without any coercion or undue influence and the same has been duly signed by Jhujhar Singh, Sandeep and Amandeep Kaur.

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

Although, there are allegations against the petitioners with respect to injuries caused to the complainant party but both the counsel appearing on behalf of the petitioners and respondent No.2 have jointly submitted that the matter has been compromised and have relied upon compromise dated 25.07.2022 (Annexure P-4), as per which, the complainants/victims have no objection in case the FIR is quashed on the basis of compromise. It is stated by the petitioners and respondent No.2 that they are in the process of filing a petition under Section 482 of Cr.P.C. for

quashing of FIR on the basis of compromise.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioners are granted the concession of anticipatory bail subject to their 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 petitioners shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioners fail to join the investigation or do 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 petitioners.

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.

01.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No