

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

CRM-M-41440-2022

Date of Decision: 15.09.2022

Raju Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Harpreet Maini, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 0262, dated 22.12.2019, under Sections 323/324/148/149/452/326 of the IPC (Sections 326/452 of the IPC were added later on), registered at Police Station Kotbhai, District Shri Muktsar Sahib.

On 12.09.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the present petition is third petition for grant of anticipatory bail to the petitioner and has further submitted that first petition i.e. CRM-M-37695-2022 was withdrawn on 25.08.2022 with liberty to file a fresh petition after giving full and better particulars and after rectifying the errors and thereafter the second petition i.e. CRM-M-38631-2022 was filed and the said petition was withdrawn when the Court was not inclined to interfere in the matter. It is contended that after

withdrawal of the said case, the compromise deed dated 29.08.2022 (Annexure P-4) has been entered into between the parties, as per which, the complainant-Sewak Singh has stated that he would be bound to record the statement with respect to compromise which has been executed without any pressure.

Notice of motion.

On advance notice, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the State and Ms. Ramandeep Kaur, Advocate appears on behalf of the complainant.

Learned counsel for the complainant has also submitted that the matter has been compromised after the order passed on 29.08.2022 and said compromise is genuine and bona fide.

Learned counsel for the parties have jointly submitted that since the matter has been compromised, thus, it would be for the benefit of all the concerned persons in case the matter is resolved.

Learned counsel for the complainant as well as petitioner have also stated 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. It is further submitted that subsequent compromise is an exceptional subsequent circumstance so as to entitle the petitioner to file the present subsequent anticipatory bail application.

Adjourned to 15.09.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when

called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Amrik Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 12.09.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 12.09.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

September 15, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No