

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44659-2022

Date of decision : 17.10.2022

Lalit Kumar @ Lovely

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Manjeet Singh, Advocate for Ms.Deepti Rampal, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

Mr.Munish Puri, Advocate for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a third petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.39 dated 17.05.2022 registered under Sections 307, 323, 506, 148, 149, 324, 325 IPC at Police Station Sadar, District Pathankot.

On 27.09.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that the present petition is the third petition under Section 438 of the Cr.P.C. for the grant of anticipatory bail to the petitioner in FIR No.39 dated 17.05.2022 (Annexure P-1) and the first petition was dismissed on 05.07.2022 on merits and the second petition was withdrawn on 19.09.2022 with a liberty to file fresh petition on the ground that the compromise is effected without any undue influence and pressure. Learned counsel for the petitioner has referred to the compromise dated 16.08.2022 (Annexure P-3), as per which, it has been specifically stated that both the complainants Surinder Kumar and Tara Chand have compromised the matter with the accused

including the present petitioner and it has been stated that the compromise would bring peace and harmony between the parties.

Notice of motion.

Mr. Munish Puri, Advocate, appears and accepts notice on behalf of respondent No.2 as well as victim Tara Chand and has also stated that the said compromise is genuine and bona-fide and has been entered into without any undue pressure and coercion and has prayed that they have no objection in case the present petition for grant of anticipatory bail to the petitioner is allowed.

Although, this Court had dismissed the first petition for grant of anticipatory to the petitioner on merits on 05.07.2022, but since a compromise has been effected between the parties and the said compromise is dated 16.08.2022, which is subsequent to the order dated 05.07.2022, thus, this Court is, prima facie, of the opinion that the said circumstance is an exceptional subsequent circumstance, so as to entitle the petitioner to file the present petition for grant of the anticipatory bail. It would also be relevant to note that since on 19.09.2022, no one had appeared on behalf of the complainant/victim in respect of the compromise, thus, at that stage, the factum of compromise could not, prima facie, be established, however now, learned counsel for respondent No.2 has appeared and this Court is prima facie of the opinion that the compromise is genuine and bonafide and has been entered into without any pressure or coercion.

Adjourned to 17.10.2022.

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.

September 27, 2022

**(VIKAS BAHL)
JUDGE"**

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

Learned counsel for the complainant has submitted that the matter has been compromised and he has no objection in case the present

petition is allowed and the petitioner is granted anticipatory bail.

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 27.09.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation and the fact that the matter has been compromised, the present petition is allowed and the interim order dated 27.09.2022 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

October 17, 2022
Davinder Kumar

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