

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

210

CRM-M-49558-2021 (O&M)

Date of Decision: 25.04.2022

Sahil @ Babloo

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Robin Gill, Advocate, for the petitioner.

Mr. Rahul Mohan, DAG, Haryana
assisted by ASI Balbir.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.315 dated 02.10.2021 at Police Station Bilaspur, City Yamuna Nagar, District Yamuna Nagar, under Section 148/149/323/341/506 (326 added later on) IPC.
2. At the time of issuance of notice of motion on 26.11.2021, the following order was passed:

“The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.315 dated 02.10.2021 at Police Station Bilaspur, City Yamuna Nagar, District Yamuna Nagar, under Sections 148/149/323/341/506 IPC (Section 326 IPC added later on).

The FIR in question was lodged at the instance of Rahul, wherein it is alleged that on 29.09.2021, when he was returning back home at about 10.30 PM, he was waylaid by Rajji, Vishal, Bablu, Tony, Bhura and some unknown persons. It is alleged that Rajji raised a lalkara saying that Rahul is the

person, who had informed his family about the drug addiction on account of which he (Rajji) had been beaten up several times by his family members and that as such, Rahul should be punished. It is alleged that Rajji inflicted a blow with iron rod on the forehead of the complainant. Vishal is stated to have caused an injury with a glass bottle on the lower lip of the complainant. Other persons accompanying Rajji, namely, Bablu (petitioner), Tony, Bhura and some unnamed persons gave slaps to the complainant and also kicked and punched him.

Learned counsel for the petitioner submits that even if the allegations as leveled in the FIR are taken to be correct, the petitioner was unarmed and is alleged to have given slap, fist and kick blows to the complainant, whereas the injury attracting the rigors of Section 326 IPC is attributed to co-accused Rajji, who had inflicted a blow with iron rod on the forehead of the complainant.

Learned counsel for the petitioner has, however, offered that his client is willing to compensate the complainant unconditionally for an amount of Rs.25,000/-, which he shall pay to the complainant within one month from today.

Notice of motion for 25.04.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

It is, however, clarified that the petitioner as per his offer shall pay an amount of Rs.25,000/- to the complainant within one month from today failing which the orders regarding interim bail shall stand vacated. ”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.

Learned State counsel has also informed that the petitioner, as per his offer, has paid an amount of Rs.25,000/- to the complainant.

4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and his custodial interrogation is not required and has also paid an amount of Rs.25,000/- to the complainant towards compensation, the petition is accepted and the interim directions issued by this Court vide order dated 26.11.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

25.04.2022

VY

(GURVINDER SINGH GILL)

JUDGE

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