

CRM-M-48178-2022 (O&M)

Date of Decision : 14.11.2022

Charanpreet Singh Walia @ Cherry Walia ...Petitioner

versus

State of Punjab and othersRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Vikasdeep Singh, Advocate for the petitioner.

B.S. Walia, J. (Oral)**CRM-40756-2022**

1. Allowed as prayed for. Compromise deed dated 19.10.2022, is taken on record, subject to all just exceptions.

CRM-M-48178-2022

2. Prayer in the second petition under Section 438 Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.184 dated 31.07.2021, registered under Sections 326, 323, 324, 341, 506, 504, 148 and 149 of the Indian Penal Code, at Police Station City Phagwara, District Kapurthala.

3. Learned counsel contends that earlier the petition for pre-arrest bail filed by the petitioner was dismissed by the learned Addl. Sessions Judge-IV, Kapurthala, vide order dated 14.09.2021. Likewise, petition filed by the petitioner before this Court for grant of pre-arrest bail was dismissed vide order Annexure P/3 dated 28.09.2021, while noticing the injuries inflicted by the petitioner with his *kirpan* to RidikKanojia, out of which, one injury was declared grievous in nature while the second was

simple. Learned counsel contends that the second petition has been filed after compromise Annexure P/5 dated 19.10.2022, was entered into between the petitioner and complainant/other injured, with the intervention of respectable persons of the locality and as per the compromise, the complainant/other injured have no objection if the FIR is quashed. Learned counsel contends that in the circumstances no useful purpose would be served by denying the benefit of pre-arrest bail to the petitioner, especially in view of the fact that the petitioner is 23 years old besides does not have any other criminal record.

4. Notice of motion.

5. Mr. Ajit Singh Natt, AAG, Punjab, accepts notice on behalf of respondent No.1 while Mr. Vikas Gupta, Advocate for respondent Nos.2 to 4. Learned AAG, Punjab on instructions from ASI, Jaspal Singh, as well as learned counsel for respondent Nos.2 to 4 on instructions from respondent Nos. 2 to 4 state that in view of the compromise, they have no objection if the prayer for pre-arrest is accepted in view of the dispute between the parties having been amicably resolved with the intervention of respectable persons of the locality.

6. I have considered the submission of learned counsel for the parties.

7. In view of the compromise as well as stand of the learned AAG, Punjab as well as learned counsel for respondent Nos.2 to 4, the instant petition is allowed. Petitioner is directed to join investigation and fully cooperate with the police as and when called upon to do so. However, in the event of arrest, the petitioner is ordered to be released on

the Arresting / Investigating Officer. The petitioner shall also abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner. However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

14.11.2022
rajesh

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