

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-49245-2019
Date of decision : 21.10.2022

Dhara Singh @ Arun Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Naveen Siwach, Advocate for
Mr.Pradeep Chhoker, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Ms.Santosh Bhardwaj, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.109 dated 22.02.2018 registered under Sections 148, 149, 323, 379B, 427, 452, 506, 511 IPC and Section 25 of the Arms Act, 1959 at Police Station Qilla Panipat.

On 20.11.2019, a coordinate Bench of this Court was pleased to pass the following order:-

“On query put to learned counsel as to why anticipatory bail is sought 01 year and 09 months after the registration of the FIR, with the petitioner obviously not having been arrested so far, he has no cogent answer to that, except to state that a co-accused of the petitioner, Ravi Kumar, has been admitted to bail by this Court even on 05.11.2019.

Without making any comment on that, with it seen that at least as per the order passed admitting co-accused Ravi Kumar to bail, I had not specifically noticed the date of the FIR in that order

and had admitted him to bail on the ground that a compromise had been reached between that person and the complainant, let notice of motion be issued to the respondent, returnable on 05.02.2020.

In the meanwhile, upon the petitioner joining investigation, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate. He shall, further, abide by all the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

**November 20, 2019 (AMOL RATTAN SINGH)
JUDGE”**

Learned counsel for the petitioner as well as learned counsel for the complainant have submitted that they have compromised the matter and the petitioner along with co-accused have filed a petition under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise i.e., CRM-M-33802-2018.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 20.11.2019, and also the fact that the matter has been compromised, the present petition is allowed and the interim order dated 20.11.2019 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 21, 2022
Davinder Kumar