

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

262-A

CRM-M-1614-2023

Date of Decision: 13.03.2023

Arshpreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Dr. Rau P.S. Girwar, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

Mr. Sandeep K. Bansal, Advocate for the complainant.

ASHOK KUMAR VERMA, J. (ORAL)

Prayer in this second petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No. 181 dated 23.08.2022 registered under Sections 308, 323, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Baghapurana, Moga, on the basis of compromise Annexure P-3. It is pertinent to mention here that the earlier petition bearing CRM-M-45631-2022, filed by the petitioner for grant of anticipatory bail was dismissed by this Court vide consolidated order dated 14.12.2022 (Annexure P-2).

The above-said FIR was registered on the basis of statement of Harwinder Pal Singh alleging that he has 03 sons and 01 daughter. His sons Lachhman Singh and Bhag Singh are practicing Badminton every evening at Sant Gurmail Singh Lapon Wale Ground from their coach

Birbal Sharma. On 22.08.2022, at about 9:00 p.m. when his sons did not return home, he visited the ground to take them. His sons along with other boys were practicing there. One boy namely Zed along with his companions was also present there. Then 10-15 boys armed with weapons came in the ground and started quarreling with Zed etc. Out of them, one boy raised lalkara and with intention to kill his son Lachhman Singh, fired shot at him, which hit his son on right thigh. He took his son on his motorcycle to Hospital. When he enquired about the assailants, he came to know that those are Chaahit Khatri, Mandeep Singh, Jugraj Singh @ Lakhi, Happy Katra, Balraj Singh @ Ballu, Rahul Sharma, Manjinder Singh @ Zed, Arshpreet Singh, Parminder Singh, Gopi and some unidentified persons.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case. The matter has now been compromised between the parties vide compromise deed dated 20.12.2022 (Annexure P-3). Co-accused, Happy Katra @ Happy Harrha and Balram Singh @ Balu, have already been granted anticipatory bail by this Court vide order dated 07.12.2022 (Annexure P-4). Nothing is to be recovered from the petitioner and his custodial interrogation is not required in this case. The petitioner is ready and willing to join the investigation.

Learned counsel appearing for the complainant fairly conceded the factum of compromise between the parties and submits that he has no objection, in case, the present petition is allowed and the petitioners may be granted the concession of anticipatory bail.

I have heard learned counsel for the parties and gone through the record.

Keeping in view facts and changed circumstances of the present case as the matter has been compromised between the parties, present petition is disposed of with a direction to the petitioner to join the investigation and remain present as and when called for and in the event of arrest, he shall be admitted to bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

March 13, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**