

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206/B)

CRM-M-31431-2022(O&M)

Date of Decision: 27.02.2023

Rehmat Batra & another

--Petitioners

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Rahul Bhargava, Advocate for the petitioners.

Mr. Sandeep Kumar, D.A.G., Punjab.

Ms. Rishu, Advocate for

Mr. Gaurav Datta, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

CRM-25553-2022

This is an application praying for incorporation of offence under sections 25, 27, 54, 59 of Arms Act in FIR No.50 dated 27.3.2022 in the Head note and prayer clause of the main petition.

In view of the averments made in the application, same is allowed. Offence under sections 25, 27, 54, 59 of Arms Act in FIR No.50 dated 27.3.2022 is incorporated in the Head note and prayer clause of the main petition.

Main Case

The present petition has been filed under Section 438 Cr.P.C for grant of pre-arrest bail to the petitioner in FIR No.50 dated 27.3.2022 registered under Sections 325, 323, 160, 427, 506, 336, 148, 149 IPC (section 307 IPC and sections 25, 27, 54, 59 of Arms Act were added later on) at Police Station, Ranjit Avenue, District Amritsar City.

By virtue of the order dated 5.8.2022 while granting interim protection, the petitioners were directed to join investigation.

Learned counsel for the petitioners submits that this is a case of version and cross-version and both the sides are facing the offence under section 307 IPC. He submits that the dispute arose between the neighbors and with the intervention of respectables both the sides have amicably resolved their issues. He submits that in pursuance to the order dated 5.8.2022 petitioners have joined investigation and fully cooperated and thus, the interim order may kindly be made absolute.

Learned counsel for the complainant has affirmed the submissions made by counsel for petitioners and submits that parties have arrived at a compromise.

Learned State counsel on instructions from ASI Kanwaljeet Singh has endorsed the fact that petitioners have joined investigation and submitted that he is no more required for further investigation. He further submits that offence under section 307 IPC has been added against both the sides and the same is a non-compoundable offence. It is submitted that in one case challan has been presented, whereas in other connected cases challan is yet to be presented.

In view of the above position, it is apparent that this is a case of version and cross-version and both the sides are facing prosecution under section 307 IPC. As per submissions made by counsel for the petitioners as well as learned State counsel, petitioners have duly joined investigation. Hence order dated 5.8.2022 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C and the petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

27.02.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No