

CRM-M-34695-2023 (O&M)

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

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CRM-M-34695-2023 (O&M)

Date of decision: 15.11.2023

Ravinder Kaur and anr.

..... Petitioners

V/S

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Harmanpreet Singh, Advocate for the petitioners.

Mr. Rozer Kumar Aggarwal, A.A.G. Punjab.

Mr. Suresh Kumar Arya, Advocate
for the complainant.

AMARJOT BHATTI J. (ORAL)**CRM-46223-2023**

This is an application filed under Section 482 Cr.P.C. for placing on record the copy of compromise deed dated 21.12.2022 (Annexure P-7) and photographs (Annexure P-8).

For the reasons enumerated in the application, accompanied documents Annexure P-7 and P-8 are taken on record, subject to all just exceptions.

CRM is accordingly, allowed.

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The petitioners – Ravinder Kaur and Jasbir Singh have filed second petition under Section 438 CrP.C. for grant of anticipatory bail in FIR No. 301 dated 19.09.2022 under Sections 323, 427, 448, 452, 148 and 149 IPC (Section

379 and 354 IPC now deleted) registered at Police Station Division B, District Police Commissionerate, Amritsar.

2. The facts of the case are that Raghbir Singh – complainant aged about 18-19 years gave his statement to the police that he is student of 11th Class. His father Inderjeet Singh is working with an Advocate in District Courts, Amritsar. About 10/12 years, they had taken the house on rent in which they were residing. The house is owned by Jasmeet Kaur and her brother Ankitpal Singh who is brother-in-law of Sukhwinder Singh. On 19.09.2022, at about 11.30 am, somebody knocked the door by alleging that they had come to give polio drops. His elder sister Amarjit Kaur told that there was no small child in the house and did not open the door. The outsider again called her and on this, his sister peeped out the door and saw Ravinder Kaur with 2-3 other ladies present and some persons were standing behind her. She told them that her father was not present in the house. In the meantime, few *Nihangs* entered their house from the roof. They pushed her and opened the door. On this, Jasbir Singh, Sukhwinder Singh, Baljit Singh along with 10-15 *Nihangs* and Ravinder Kaur accompanied by 3-4 ladies entered their house and started throwing their household articles etc. His sister tried to stop them. The unknown *Nihang* twisted her arm and she was thrown towards the bed. He tried to rescue his sister. On this, Jasbir Singh gave *daang* blow which hit on his left wrist. 3-4 *Nihangs* caught hold of him and gave beating with their respective *barchas*. He received injuries below his neck, head and other parts of the body. Their entire household articles were thrown out and both of them were turned out of the house and they locked the house. The occurrence was informed to their father

and police was also informed. With these allegations, the present FIR has been registered.

3. The learned counsel for the petitioners argued that at the time of filing of first anticipatory bail application, they had joined the investigation, however, their first anticipatory bail application was declined by this Court bearing CRM-M-46649-2022 and another CRM-M-48694-2022, by passing consolidated order dated 19.01.2023. During this period, the offence under Section 379 and 354 of IPC have been deleted. In-fact, a civil dispute was going on between the parties. During this period, the matter has been compromised and the complainant has been suitably compensated. Copy of compromise is Annexure P-7 which bears the signatures of complainant Raghbir Singh and the photographs clicked at the time of compromise are Annexure P-8. The present petitioners are still ready to join the investigation as and when required. Therefore, their anticipatory bail application may be allowed.

4. The learned State counsel has filed the detailed status report confirming the aforesaid facts. It is pointed out that the offence under Section 379, 354 IPC has been deleted, whereas, other accused namely Sukhwinder Singh was declared innocent vide GDR No. 49 dated 13.06.2023. It is also confirmed that at the time of filing of previous anticipatory bail applications, both Ravinder Kaur and Jasbir Singh had joined the investigation.

However, the learned counsel representing the complainant opposed the second anticipatory bail application as well as the compromise, alleged by the petitioners.

5. I have considered the arguments and have gone through the record carefully. I have also requisitioned the record of aforesaid anticipatory bail

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applications, which were declined by this Court by passing detailed order dated 19.01.2023. The perusal of these files clearly indicates that at the time of disposal of these anticipatory bail applications, the compromise Annexure P-7 was not relied upon by the petitioners. There are changed circumstances. Now, the offence under Section 379, 354 IPC have been deleted and the only non-compoundable offence is under Section 452 IPC. The matter has been compromised between the parties. The copy of compromise is Annexure P-7, which also bears the signatures of complainant. There are photographs Annexure P-8, confirming that the complainant party was suitably compensated and these photographs are not disputed by the learned counsel representing the complainant. Even now, the present petitioners are ready to join the investigation. Therefore, considering the aforesaid changed circumstances, the second anticipatory bail application filed by the petitioners – Ravinder Kaur and Jasbir Singh stands allowed. They be not arrested. In case of their arrest, they be released on bail to the satisfaction of Arresting/ Investigating Officer, subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petition is accordingly accepted.

Pending application(s), if any, shall also stands disposed of.

Both the files received in original from the Registry, bearing CRM-M No. 46649-2022 and CRM-M No. 48694-2022 be sent back.

(AMARJOT BHATTI)
JUDGE

15.11.2023

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