

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

CRA-S-2549-2023

Date of decision: 07.11.2023

SAHIL THAKUR @ SAHIL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Angad Parmar, Advocate
for the appellant.

Mr. Teevar Sharma, Asst. A.G. Punjab.

Ms. Vaishali Thakur, Advocate
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

1. Present appeal has been filed raising challenge to order dated 30.05.2022 passed by learned Sessions Judge, Pathankot, declining anticipatory bail of the appellant in case FIR No. 42 dated 05.05.2022, under Sections 307, 324, 323, 379, 342, 427, 148 and 149 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Division No.1, Pathankot, District Pathankot.

2. Even though the Criminal Appeal bearing CRA-S-1276 of 2022 earlier filed by the appellant seeking anticipatory bail had been dismissed as withdrawn vide order dated 10.08.2022 (Annexure A-4), however, learned counsel for the appellant states that the parties have entered into a

compromise on 13.09.2023 with the intervention of the respectable, out of their free will and without any coercion or pressure. Vide order dated 13.09.2023 this court directed the parties to appear before the learned Illaqa Magistrate on 28.09.2023 to get their statements recorded and sought a report about the validity of the compromise.

3. Pursuant to the said order, report has been received from Additional Chief Judicial Magistrate, Pathankot, vide Memo No.4569 dated 05.10.2023. The relevant extract of the report is reproduced as under:-

“ 4. From the statements made by the complainant Mangat Ram and accused Sahil Thakur @ Sahil Singh, Sourav, Vishal Singh Bunty, Vikram Singh, Sahil Dhil @ Sahil Singh and Deepak Singh @J.B.. point wise report is as under-

*1. From the statements of complainant Mangat Ram, accused Sahil Thakur @ Sahil Singh, Sourav, Vishal Singh @ Bunty, Vikram Singh, Sahil Dhil @ Sahil Singh, Deepak Singh @ J.B. and ASI Surinder Pal No.1249/Ptk, Police Station, Division No.1, Pathankot, **this Court is satisfied that the complainant has entered into compromise with the accused and compromise is genuine. voluntarily without any inducement, coercion or undue influence.***

2. As per the statements of parties the dispute has been resolved entirely among all the affected parties. It is pertinent to mention here that complainant Mangat Ram also appeared on behalf of his brother Gaurav @Mithu who is also an injured, being his power of attorney.

*3. As per statement of Investigating Officer ASI Surinder Pal No.1249/Ptk, Police Station, Division No.1, Pathankot **none of the accused has been declared***

proclaimed offender/absconder and no other case is pending against accused as per record. "

4. Learned State counsel does not dispute the factum of the compromise amongst the parties and does not have any objection to the same.

5. Taking into consideration that the matter has been amicably resolved amongst the parties and the complainant has already made a statement before Addl. Chief Judicial Magistrate, Pathankot on 05.10.2023 in support of the settlement, I am of the opinion that this is a changed circumstances in which the issue may be considered. An amicable voluntary settlement paves way for complete resolution of the dispute apart from establishing harmony in the Society. Such effort needs to be respected wherever same attains resolution. The present appeal is hence allowed. In the event of arrest of the petitioner in case FIR No. 42 dated 05.05.2022, under Sections 307, 324, 323, 379, 342, 427, 148 and 149 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Division No.1, Pathankot, District Pathankot, he shall be admitted to bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

6. It is made clear that the appellant shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly. The observation made hereinabove shall not be constructed as an expression on the merits of the case and trial Court shall decide the case on

basis of available material.

The appeal is allowed.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 07, 2023
Vishal Sharma

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