

207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59116-2022

DATE OF DECISION:-26.04.2023

Sukhbir

...Petitioner.

Vs.

State of Haryana

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parveen Sharma, Advocate for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.

Mr. Davinder Kumar, Advocate for respondent No.2.

HARKESH MANUJA, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner, in case FIR No.662 dated 27.10.2022, under Sections 148, 149, 308, 323, 506 IPC, registered at Police Station Kharkhoda, District Sonipat.

On 19.12.2022, this Court passed the following order:-

“Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No.662 dated 27.10.2022, registered under Sections 148, 149, 308, 323, 506 IPC, at Police Station Kharkhoda, District Sonipat.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner himself has given the information to the police through telephone by making a call on number ‘112’ immediately after the occurrence and when the police did not come at the spot, the petitioner went to the police station and told about the incident to the police on the same day, but the police instead of taking action against the four accused persons, lodged the FIR against the petitioner; that offence under Section 308 IPC is not made out against the petitioner, as there is no serious injury; that now the matter has been compromised between the petitioner and the complainant and

the complainant does not want to pursue the present case.

Notice of motion for 14.03.2023.

At this stage, Mr. Davinder Kumar, Advocate, appears and files power of attorney on behalf of the complainant in the Court and does not dispute the factum of compromise between the petitioner and the complainant. The power of attorney is taken on record.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

In pursuance to aforesaid order, the petitioner has joined the investigation.

Learned counsel for the petitioner submits that the parties have already entered into a settlement and based thereupon even a petition for quashing of the present FIR has already been filed before this Court vide CRM-M-14456-2023 and the statements of the parties have also been recorded on 18.04.2023.

Though, learned State counsel, on instructions from ASI Ved Pal, Police Station Kharkoda, District Sonipat submits that the petitioner is not cooperating with the investigating agency, however, considering the fact that the parties have already entered into a settlement and statements to this effect have already been recorded before the trial court, the petition is allowed. Order dated 19.12.2022 passed by this Court is hereby made absolute.

26.04.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No