

CRM-11382-2023 in/and
CRA-S-2795-2022

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-11382-2023 in/and
CRA-S-2795-2022

Date of Decision: 13.03.2023

Mantaj Singh

.... Appellant

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. SPS Sidhu, Advocate for the appellant.

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

Mr. Nitin Meel, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-11382-2023

Application is allowed as prayed for.

Copy of Panchayati Compromise dated 16.02.2023 filed along with the application is taken on record as Annexure A-4, subject to all just exceptions.

CRA-S-2795-2022

Reply dated 23.01.2023, filed by way of affidavit of Sh. Surinder Pal, Deputy Superintendent of Police, Sub Division City, Ferozepur, District Ferozepur, on behalf of respondent No. 1-State is taken on record.

The appellant, namely, Mantaj Singh, has filed the present

appeal against the impugned order dated 06.12.2022 passed by the learned Additional Sessions Judge, (Fast Track Court), (exclusively dealing with rape cases) Ferozepur, whereby the application filed by the appellant for grant of anticipatory bail in case FIR No. 56 dated 07.05.2021 registered under Sections 307, 452, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act [Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short-'the SC & ST Act') were added later on] at Police Station Sadar, Ferozepur, District Ferozepur, was dismissed.

As per prosecution story, the present FIR was registered against the appellant and his co-accused on the basis of statement of respondent No. 2-complainant/Mohinder Singh @ Kala, that on 07.05.2021 at around 6:00 P.M. he along with Ramesh S/o Nazeer, were unloading the chaff from the tractor trolley, after parking the same in the street. The appellant along with his brother, namely; Ninderpal Singh also came on tractor trolley and tried to cross the same and as the passage was narrow, they started quarreling with him. He requested them to wait for five minutes but both the brothers in fit of rage, started hurling abuses and threatening. After crossing the tractor-trolley, they went to brick klin and after half an hour, the appellant along with brother and other persons armed with deadly weapons by forming unlawful assembly returned to the house of complainant and assailed fire arm injuries to Virk (son of the complainant), Sant Ram, Jinder Kaur, Paramjit Kaur, Manjit Kaur, Pargat Singh and Ginder Kaur. On raising hue and cry persons of the locality attracted and the assailants have fled away from

the spot.

Learned counsel for the appellant, *inter alia*, contends that it is a case of version and cross-version. The present FIR was got registered by the complainant as a counter-blast to FIR No. 58 dated 08.05.2021 (Annexure A-2) registered under Sections 452, 436, 427, 336, 148 and 149 IPC (Section 307 IPC added later on) and Sections 25 and 27 of the Arms Act at Police Station Sadar Ferozepur, District Ferozepur. Learned counsel for the appellant further submits that now the matter has been compromised between the parties vide Panchayati Compromise dated 16.02.2023 (Annexure A-4). The appellant is ready and willing to join the investigation as and when called by the Investigating Agency and shall abide by any condition which may be imposed by this Court.

Learned counsel appearing for complainant-respondent No. 2 fairly conceded that the matter has been compromised between the parties and he has no objection, in case, the present appeal is allowed and petitioner may be granted the concession of anticipatory bail.

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

Keeping in view the facts and circumstances of the case and also the fact that this is a case of version and cross-version and the matter has already been compromised between the parties vide Panchayati Compromise dated 16.02.2023 (Annexure A-3) the present appeal is allowed. Appellant-Mantaj Singh, is directed to join investigation within 15 days from today and in the event of his arrest, he shall be released on

-4-

It is made clear, in case the appellant fails to join the investigation, then the State shall be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(ASHOK KUMAR VERMA)
JUDGE

Whether Reportable	Yes/No
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