

104

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M No. 58827 of 2023  
Date of decision:- 22.11.2023

PARDEEP ALIAS ANDA

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Preeti Singh, Advocate for the petitioner.

Mr. Vishal Malik, DAG Haryana.

Mr. H.S.Gharoo, Advocate for respondent No.2.

.....

**SANJIV BERRY, J. (ORAL)**

The instant petition has been preferred by the petitioner under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in the following case:-

| FIR No. | Dated      | Sections                                               | Police Station                    |
|---------|------------|--------------------------------------------------------|-----------------------------------|
| 0485    | 27.09.2023 | 323, 34, 341, 365, 506 IPC<br>(367 IPC added later on) | Bhiwani City,<br>District Bhiwani |

2. It is *inter alia* contended by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. she further submits that no specific overt act has been attributed to the petitioner and moreover during the course of proceedings with the intervention of the respectables a compromise dated 04.10.2023 (Annexure P-1) has already been effected between the parties and as such she prayed

for grant of anticipatory bail to the petitioner.

3. Notice of motion.

4. On asking of Court Mr. Vishal Malik, DAG, Haryana accepts notice on behalf of State.

5. Mr. H.S. Gharoo, Advocate has put in appearance on behalf of respondent No.2-complainant and filed Power of Attorney. The same is taken on record. He has admitted the factum of the compromise dated 04.10.2023 (Annexure P-1). He further submits that even the parties have preferred the petition for quashing of FIR on the basis of compromise vide CRM-M-55250 of 2023 which is now pending for 24.01.2024..

6. Heard.

7. After considering the rival contentions and perusing the record, it transpires that the present case was registered on the basis of complaint move by respondent No.2 alleging that on 25.09.2023 while he was going to his house on motor-cycle, 3 persons intercepted him and in the meanwhile 2 other persons came there on another motorcycle and took the complainant to one oil mill where he was given beatings. The complainant rescued himself and got medical treatment. In the FIR the complainant has named only one Vinod @ Binnu while other persons were not named.

8. After considering the rival contentions and perusing the record, admittedly the petitioner was not named in the FIR. It is not out of place to mention here that during the course of proceedings there had been settlement between the parties vide Annexure P-2 and on the basis thereof a quashing petition on the basis of compromise has already been filed vide CRM-M-55250-2023 which is pending. The counsel appearing on behalf of

complainant victim-respondent No.2 has pleaded no objection in case the petitioner is granted concession of bail. No doubt the offences in the FIR are not compoundable but at the same time the factum of compromise can be considered for the purpose of concession of bail.

9. Resultantly, without commenting on the merits of the case, the present petition is, hereby, allowed and the petitioner is directed to join the investigation within seven days from today and in the event of arrest of the petitioner, the petitioner is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

10. The petitioner is however directed to join the investigation as and when required in future also and on receipt of written notice from the Investigating Officer and undertaking not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

11. The petition stand allowed.

12. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**(SANJIV BERRY)**  
**JUDGE**

**22.11.2023**

*Gyan*

|     |                            |        |
|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |