

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-59918-2023 (O&M)
Date of Decision : 20.12.2023

Deepak

.....Applicant/Petitioner

VERSUS

State of Union Territory, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amit Kumar, Advocate,
for the applicant/petitioner.

KULDEEP TIWARI. J.(Oral)

**CRM-52581-2023 &
CRM-49974-2023**

For the good and valid reason assigned in the applications,
the leave to file present appeal without Number of Roll of Advocate, are
allowed.

CRM-52585-2023

This application is seeking preponement of hearing in the
main case.

It is submitted that the co-accused who is on similar footing
has been granted the benefit of pre-arrest bail and matter also stood
compromised with the complainant.

For the reasons assigned in the application, same is allowed
and the date of hearing in the main case is ordered to be preponed and is
taken up today on board.

CRM-52592-2023

Application for placing on record the affidavit of the
complainant-Seema whereby she sworn that she has no objection in case

the petitioner is granted the relief of pre-arrest bail, is allowed and the same is taken on record as P-3.

CRM-M-59918-2023

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.99 dated 8.10.2023, under Sections 147, 148, 149, 342, 506, 427, 120-B of IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Sarangpur, Chandigarh.

2. The allegations against the petitioner are that, one complainant-Seema has filed a complaint alleging therein, that on 5.10.2023, a quarrel took place between her and her neighbour Sapna, but that was compromised on the very same day. However, at about 10 p.m. the husband of Sapna, namely, Diwakar alongwith his friends, namely, Deepak (present petitioner), Raj Kumar @ Matri, Simon and others attacked her house with sticks, rods and arms, and damaged their property and they also threatened them to kill.

3. Learned counsel for the petitioner submits that since the quarrel took place on trivial issue and thereupon both the petitioner and the complainant are neighbours, and therefore, now with the intervention of the respectables, the matter has been compromised.

4. He further submits that co-accused Raj Kumar alias Matri, has already been granted pre-arrest bail by this Court in CRM-M-63384-2023 on dated 16.12.2023.

5. Notice of motion.

6. Ms. Simsi Dhir Malhotra, APP for UT, Chandigarh waive service on behalf of respondent -UT, Chandigarh.

7. Keeping in view the fact that no recovery is to be effected, as well as the fact that the matter has been compromised between the parties, this Court deems it fit and appropriate to enlarge the petitioner on anticipatory bail.

8. In view of the above, the present petition is allowed with a direction to the petitioner to join the investigation as and when called by the Investigation Officer. In case, the petitioner joins the investigation, he shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of the investigating officer/arresting officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

9. In case, the petitioner does not join the investigation or does not co-operate in the investigation, the respondent/state shall be at liberty to file an application for cancellation of his anticipatory bail. Disposed of.

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

December 20, 2023
dharamvir

(KULDEEP TIWARI)
JUDGE

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