

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-63384-2023 (O&M)

Date of Decision : December 16, 2023

RAJ KUMAR ALIAS MATTRI

.....Petitioner

VERSUS

STATE OF UNION TERRITORY, CHANDIGARH AND ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Ms. Simsi Dhir Malhotra, APP for UT, Chandigarh.

Mr. Rudresh, Advocate for the complainant.

KULDEEP TIWARI. J.(Oral)

CRM-53049-2023

1. Allowed, as prayed for.

Main case

2. 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.

3. 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 same very day. However, at about 10 p.m. the husband of Sapna, namely, Diwakar alongwith his friends, namely, Raj Kumar @ Matri(present petitioner), Simon, Deepak and others attacked her house with sticks, rods and arms, and damaged their property and they also threatened them to kill.

4. 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.

5. Notice of motion.

6. Ms. Simsi Dhir Malhotra, APP for UT, Chandigarh waive service on behalf of respondent No.1-UT, Chandigarh, whereas, Mr.Rudresh, Advocate has caused appearance on behalf of the complainant and admit the factum of compromised.

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 regular bail subject to his furnishing personal bonds and surety to the satisfaction of the learned trial Court concerned. 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.

(KULDEEP TIWARI)
JUDGE

December 16, 2023
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No