

106 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-10156-2024  
Date of decision: 27<sup>th</sup> February, 2024

Karamjit Singh and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manoj Kumar, Advocate for the petitioner.  
Ms. Ruchika Sabherwal, DAG, Punjab.  
Mr. Raghav Puggal, Advocate for respondents No. 2 to 4.  
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MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.  
seeking anticipatory bail in FIR mentioned below:-

| FIR No. | Dated      | Police Station                                | Sections                                                                                                   |
|---------|------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------|
| 23      | 31.01.2023 | Machhiwara, Tehsil Samrala, District Ludhiana | 452, 354, 323 and 506 of Indian Penal Code, 1860 (for short 'IPC') and Section 25 and 27 of Arms Act, 1959 |

2. The brief facts of the case relevant for the purpose of disposal of this petition are that on 12.12.2022, a written complaint submitted by the complainant Jaspreet Kaur was received before SSP Khanna, which was marked to DSP, NDPS-cum-Narcotics Khanna. He conducted inquiry into the matter and submitted a report as per which on 15.11.2022, at around 11:30 AM, the present petitioners in order to install a door in the closed alley

near the house of the complainant Jaspreet Kaur had assaulted her by extending beatings to her and her father and inflicted injuries upon them. Both of them were admitted to Civil Hospital, Machhiwara Sahib and their medico legal examination was also conducted. It was also reported in the inquiry report that ASI Jarnail Singh had recorded the statement of Pragat Singh, father of the complainant and had initiated action under Sections 107 and 151 of Cr.P.C. only against the present petitioners and had not made inquiry about the injuries inflicted upon the complainant, as well as the fact that the petitioners had entered into the house of the complainant as on 15.11.2022 had abused her, extended beatings to her and had insulted her apart from extending threat to kill them. It was concluded on the basis of the inquiry report that a case under Sections 323, 354, 452 and 506 of IPC read with Section 25 or 27 of Arms Act was made out. Accordingly, the aforementioned FIR was registered.

3. The present petition has been filed by the petitioners and it has been argued by their counsel that they have been falsely implicated in this case and now a compromise have been arrived at between the parties and written compromise has been executed by the private respondents in their favour. They had already joined investigation. Their custodial interrogation is no more required. Offence under Section 25 of Arms Act stands deleted. Therefore, it is argued that they deserve to be given concession of pre-arrest bail.

4. Learned State counsel has affirmed the fact that the petitioners

have previously joined the investigation. Now their custodial interrogation is no more required. It is out of place to mention here that pre-arrest bail petitioners as filed by the petitioners their previous bail petition was dismissed by this very Court vide order dated 30.01.2024. However, circumstances have changed since then as a compromise is stated to have been arrived at between the parties. The petitioners have already moved a petition for quashing of FIR and Mr. Raghav Puggal, Advocate has put in appearance on behalf of respondents No. 2 to 4 and filed his memo of appearance. He has also affirmed the abovesaid fact.

5. Keeping in view, the fact that neither the custodial interrogation of the petitioners is now required nor any recovery is effected from them, I am of the considered opinion that no useful purpose would be served by detaining them. Therefore, the petition is allowed. In the event of their arrest, the petitioners shall be released on bail subject to their furnishing adequate personal/surety bonds to the satisfaction of the Arresting Officer. They are directed to join the investigation as and when called for. They shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

[MANISHA BATRA]  
JUDGE

27<sup>th</sup> February, 2024  
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No