

2024:PHHC:065232



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CRM-M-19109-2024

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-19109-2024

Date of decision : May 09, 2024

Prabhjot and another

....Petitioners

VERSUS

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aditya Sanghi, Advocate for the petitioners
Mr. Abhinash Jain, DAG, Haryana
Mr. Himanshu Garg, Advocate, for the complainant/
respondent no. 2.

KULDEEP TIWARI,J. (ORAL)

1. Status report by way of affidavit of Deputy Superintendent of Police, Sirsa, filed in Court today. The same is taken on record. Copy supplied to the learned counsel for the petitioner.

2. On 19.4.2024, this Court passed the following order:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners seek the concession of anticipatory bail, in case FIR No.17 dated 13.01.2024, under Sections 147/148/149/323/324/326/341/506/34 of the IPC (Sections 307/326/34 of the IPC added subsequently), registered at P.S. Civil Lines, Sirsa, District Sirsa.

2. What emanates from the record, is that, the petitioners and their co-accused, while being armed with swords and danda, caused three injuries to the



complainant, out of which, Injuries No.2 and 3 were declared “simple in nature”, however, Injury No.1 was declared “grievous and danger to life”.

3. The principal argument of the learned counsel for the petitioners is clothed in the fact that, the matter has been compromised inter se the petitioners and the respondent No.2/complainant. To substantiate this argument, he refers to Annexure P-3, which is a compromise deed executed inter se the petitioners/accused and the respondent No.2/complainant. Therefore, he submits that when the respondent No.2/complainant is not ready to support the case of prosecution, therefore, putting the petitioners behind the bars, for commission of the alleged offences, would tantamount to sheer abuse of the process of law.

4. Lastly, the learned counsel for the petitioners submits that although a petition seeking quashing of the present FIR, on the basis of compromise (Annexure P-3), was filed, however, it could not reap the desired results. He also submits that the petitioners are ready to join the investigation and to cooperate with the investigating officer.

5. Notice of motion for 09.05.2024.

6. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent No.1-State of Haryana.

7. Mr. Himanshu Garg, Advocate, records his appearance on behalf of the respondent No.2, under a validly executed Vakalatnama instituted before this Court today, accepts notice on behalf of the respondent concerned. Moreover, apart from admitting the factum



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of compromise inter se the petitioners/accused and the respondent No.2/complainant, he also extended his 'No Objection' in case the petitioners are granted the relief of anticipatory bail.

8. In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."

3. Today, the learned State counsel on instructions imparted to him by , submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process, and also got recovered the weapon of offence, and he is not required for any further custodial interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 19.4.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

May 09, 2024

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No