



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.37977 of 2024
Date of decision: 06.11.2024**

AMRITPAL SINGH**.... Petitioner****Versus****STATE OF PUNJAB****.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. R.S. Kaur and Ms. Twinkle Verma, Advocate for
Mr. Abdul Aziz, Advocate for the petitioner.
Mr. A.S. Samra, A.A.G., Punjab.
Mr. Randeep Singh Rana, Advocate for the complainant.

MANISHA BATRA, J. (oral)

1. The instant one is the second petition, which has been filed by the petitioner under Section 438 of Cr.P.C. for grant of anticipatory bail in case arising out of FIR No. 123 dated 10.10.2021, registered under Section 326-A read with Section 149 of IPC (Section 201 of IPC added later on) at Police Station Sadar Raikot, District Ludhiana. The first petition, bearing number CRM-M-50681-2023, had been dismissed, vide order dated 04.12.2023
2. Vide order dated 12.09.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 12.09.2024, passed by this Court, reads as under :-

“The instant one is the second petition, which has been filed by the petitioner under Section 438 of Cr.P.C. for grant of anticipatory bail in case arising out of FIR No. 123 dated 10.10.2021, registered under Section 326-A read with Section 149 of IPC (Section 201 of IPC added later on) at Police Station Sadar Raikot, District Ludhiana. The first petition, bearing number CRM-M-50681-2023, had been dismissed, vide order dated 04.12.2023.



The petitioner along with co-accused was booked for commission of offence punishable under Section 326-A read with Section 149 of IPC on the allegations that by forming membership of an unlawful assembly with co-accused, two of whom, namely Pritam Singh and Jagjit Singh, have been held guilty and convicted by the trial Court, the petitioner had thrown acid kept in spray bottle on the person of the complainant, thereby causing burn injuries on the skin of his leg and back. The above named two co-accused had been arrested and faced trial. They have been held guilty for commission of offence punishable under Section 326-A read with Section 149 of IPC. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Ludhiana, which had been dismissed, vide order dated 01.11.2021. Thereafter, the petitioner had filed aforementioned petition seeking anticipatory bail before this Court, which too had been dismissed, as mentioned above.

This second petition has been filed by the petitioner on the grounds that he has been falsely implicated in this case. The only role attributed to him is that he had instigated the co-accused to throw acid on the complainant. Now, a compromise has been arrived at between the parties and the complainant had executed a written compromise on 11.07.2024 (Annexure P-1) in this regard. The injuries sustained by the victim were simple in nature and were not on any vital part of his body. Custodial interrogation of the petitioner is not required. He is ready to join the investigation. No useful purpose would be served by detaining him into custody. Therefore, it is urged that the petition deserves to be allowed.

Per contra, learned State counsel has argued that the present petition being second petition for grant of anticipatory bail is not maintainable. He further submits even otherwise



keeping in view the nature of the allegations and the role attributed to the petitioner, the fact that two of the co-accused have been held guilty and convicted and that the offence under Section 326-A of IPC is not compoundable, the petition is liable to be dismissed.

Learned counsel for the complainant has not raised any objection to allowing the present petition and has admitted to the factum of compromise entered into between the petitioner and the complainant.

I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

No doubt, so far as the second petition for grant of anticipatory bail is concerned, the well settled position law with regard to maintainability of the same is that there must be some special and substantial change in circumstance for such application to be allowed. Since the complainant has also not raised any question to the factum of a compromise having arrived at between the parties, which is annexed as Annexure P-1 with the petition, therefore, in the opinion of this Court, the same amounts to material change in the circumstance, thereby making the second petition for grant of anticipatory, as filed by the petitioner, to be maintainable.

Adjourned to 06.11.2024.

Learned State counsel is directed to file the status report on or before the next date of hearing.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall



release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Status report dated 04.11.2024 filed on behalf of respondent-State is taken on record. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 15.09.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 12.09.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

06.11.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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