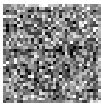


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2024:PHHC:135201



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51181-2024
DECIDED ON: 16.10.2024

ARJUN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kushager Goyal, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.291, dated 30.11.2023, under Section 285 IPC and Section 27 of Arms Act, registered at Police Station Jui Kalan, Bhiwani.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To, SHO Sahib Police Station Jui Kalan Sir, it is requested that I am Ravi S/O Rajendra resident of village Dhaba Dhani and I study in BA 2nd in Kudal Village College. Yesterday night dated 29.11.2023 I and my friends Ajay alias Lalu son of Satyapal resident Dhabdhani, Surendra son of Teluram and Sandeep son

Jagdish resident of Dhabdhani went to the house of Ashok resident of village Bijlanabas for a Jalwa program. There, Ashok's uncle's daughter Puja who is married to Rakesh resident of Obra, was also there. Along with Rajesh, there were two more persons who had double barrel licencedguns, Rakesh resident of Obra know its name. firstly, they fired 10/15 rounds in the air, one of which hit my right leg, they were in the drunken state. Those who were firing, were putting the blank rounds in their pockets. Legal action should be taken against them. SD Ravi Applicant Ravi son of Rajendra resident of Dhabdhani Dated 30.11.23.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the injuries attributed to the petitioner are simple in nature and compromise also have been effected between the complainant and the petitioner in which the complainant has categorically stated that he does not want to pursue the present FIR against the petitioner.

On behalf of the State

Learned State Counsel appearing on advance notice, submits that the State has least role left even for further investigating the matter inasmuch as the gun shot was allegedly fired out during the marriage ceremony. Though Mr. Virk, learned Sr. DAG, Haryana seeks custodial interrogation of the petitioner on the ground of recovery of weapon, which is yet to be recovered.

On behalf of the complainant

Mr. Lalit K. Narang, Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record. He does not controvert the fact that compromise has been entered into between the complainant and the petitioner, as has been averred by learned counsel for the petitioner.

4. Analysis

Be that as it may, having given a considerable thought to the submissions especially the fact that compromise has been entered into between the petitioner and the complainant, which is corroborated by learned counsel for the complainant today in Court and the nature of injuries suffered are also declared simple in nature as per medico legal report, therefore, the question of further proceeding in the present petition would be a futile exercise to be adjudicated before this Court.

5. Decision

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C which are reproduced below :-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to

dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

16.10.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No