



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52738-2024
Date of Decision:23.10.2024

Inderjit Singh ...Petitioner
vs.
State of Punjab and Anr. ...Respondents

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in cross case bearing DDR No. 31, dated 20.11.2023, under Sections 323, 324, 341, 326, 148, 149 of IPC and under Section 25/27/54/59 of Arms Act (Annexure P-1), recorded in FIR No. 71, dated 18.11.2023, under Sections 326, 325,324,323,341,427,148 and 149 of IPC and under Section 25/27/54/59 of Arms Act, registered at Police Station Fatehgarh Panjtoor, District Moga (Annexure P-2).
2. Learned counsel for the petitioner contends that the occurrence had taken place at the spur of the moment and there was no mens rea on the part of the petitioner to commit the crime. He further contends that it is a case of version and cross-version and the question of aggressor is yet to be adjudicated by the Trial Court. He further contends that the matter has been amicably resolved between the parties with regard to both the version and cross-version

and nothing is to be recovered from the present petitioner.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had fired a shot from the pistol, which had hit Jaspreet Singh. He further contends that the custodial interrogation of the petitioner may be required in the peculiar facts and circumstances of the present case and the present petition deserves to be dismissed by this Court.

4. Mr. Nitin Goswami, Advocate has put in appearance on behalf of respondent No.2/complainant by filing his Vakalatnama, which is taken on record and submits that the matter has been amicably resolved between the parties and he prayed that the present petition may be allowed by this Court.

5. After hearing the learned counsel for the parties and perused the record of the case, this Court is of the considered opinion that the present petition deserves to be allowed by this Court. It is a case, in which both the parties had suffered injuries and on the basis of the statement made by both the parties, the action was taken by the police against both the parties and the cross versions were recorded, however, during the course of investigation, both the parties have compromised the matter with each other and have resolved all their disputes. Consequently, it would be unfair to send the petitioner behind the bars, which may further deteriorate the relations between the complainant and the accused. Even both the parties are rustic villagers and the occurrence had taken at the spur of the moment.

6. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of B.N.S.S. It will

be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482 (2) of B.N.S.S .

23.10.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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