



CRM-M-55220-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-55220-2024

Date of decision: 12th November, 2024

Vishal Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Dinesh Kumar Prajapati, Advocate for the petitioner.
Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J (ORAL):-

The petitioner is making prayer for grant of anticipatory bail in case arising out of FIR No. 29 dated 29.05.2015 registered under Sections 148, 149, 323, 325, 452 and 506 of IPC, 1860 at Police Station Naggal, District Ambala.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of statement got recorded by the complainant Karamjeet Singh on 29.05.2015 alleging therein that the petitioner Vishal Singh who was a native of his village, had eloped with one Nisha, a co-villager in the year 2014. As both of them belonged to same *Gotra*, the members of their community in the village were very much offended. The complainant alleged that in January, 2015, Jarnail Singh- father of the petitioner, came to him for standing a witness to the proceedings qua issuance of passport in favour of Vishal but complainant had refused to do so, due to which Jarnail Singh had hurled abuses to him by



making telephonic call on 09.05.2015. Then on 10.05.2015, the petitioner made a call to Ravinder Singh-son of the complainant proclaiming that he was going to visit his house in the night by taking along *gunda* elements with him. The wife of the complainant immediately went to the house of Jarnail Singh and then the mother of the petitioner advised the petitioner to not to come to the village. On 25.05.2015, the complainant along with his family members was present in his house at about 8:45 PM, when the petitioner along with his father Jarnail Singh and 10-12 other persons forcibly entered inside his house while being armed with weapons. Jarnail Singh struck a blow on his head. The petitioner struck a blow on his right arm and the remaining assailants also struck blows with iron rods and *dandas* which they were carrying. They had also caused injuries to Ravinder son of the complainant. The complainant, therefore, prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The petitioner could not be apprehended. Proceedings under Section 82 of Cr.P.C. were initiated against him and he was declared a proclaimed offender.

3. As revealed from the record, thereafter, the petitioner moved a petition bearing CRM-M-31932-2024 before this Court for setting aside the order dated 02.11.2016, whereby he was declared a proclaimed person. Vide order dated 15.10.2024, his petition was allowed and the order dated 02.11.2016 was set aside with further direction to the petitioner either to surrender before the learned trial Court within a period of four weeks and move an application for grant of regular bail, or to file an application for



anticipatory bail. The petitioner moved an application for anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Ambala vide order dated 24.10.2024 by observing that the petitioner was not entitled to invoke extra ordinary power of pre-arrest bail as proclamation was issued against him.

4. It is argued by learned counsel for the petitioner that since the order declaring him as a proclaimed person has been set aside and as he moved application for grant of pre-arrest bail before the Court of learned Additional Sessions Judge, Ambala, therefore, he was entitled to be extended benefit of anticipatory bail and the application moved by him should not have been dismissed. It is further argued that a compromise has even otherwise been arrived at between the parties. His custodial interrogation is not at all required. He is ready to join the investigation. Therefore, it is urged that the petition deserves to be allowed.

5. Learned State counsel has advance notice of the petition and has not controverted the fact that since the order declaring the petitioner as a proclaimed person had been set aside by this Court, therefore, the application for grant of pre-arrest bail should not have been dismissed by learned Additional Sessions Judge on the ground of maintainability.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

7. Annexure P-2 is copy of compromise deed shown to have been executed between the complainant, present petitioner and other co-accused.



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Annexure P-3 is copy of order dated 29.08.2024 passed by this Court in CRM-M-26943-2024 showing that the FIR as well as judgment of conviction and order on quantum of sentence as pronounced against the co-accused have been ordered to be quashed in pursuance of compromise Annexure P-3. Custodial interrogation of the petitioner is not required. The FIR was registered nine years back. It is apparent on the record that the parties have entered into a compromise. As such, in the considered opinion of this Court, it is a fit case for allowing the petition and extending the benefit of anticipatory bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail subject to his joining investigation within a period of ten days from today by surrendering before the Arresting Officer/ Investigating Officer of the case and subsequently also as and when required thereafter and on furnishing bonds to the satisfaction of the Investigating officer/Arresting officer.

8. The Arresting Officer/Investigating Officer/concerned SHO after completion of investigation against the petitioner shall submit challan before the concerned Court within a period of two months, if a case is made out for doing so.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

12th November, 2024

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No