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2024:PHHC:145651

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55804-2024
DECIDED ON: 08.11.2024

RAMANPREET SINGH AND ANRPETITIONERS
VERSUS

STATE OF PUNJAB AND ORSRESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ajay Gupta, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023, has been invoked for the 2nd time seeking the concession for the grant of anticipatory bail to the petitioners in FIR No.64 dated 28.03.2021, under Sections 307, 323, 324, 148, 149, 506, 120-B of IPC, 1860 and Section 25 of Arms Act, 1959 registered at Police Station City Khanna City-2, District Khanna.

2. Facts

The prosecution story set up in the present case as per the version narrated in the FIR read as under :-

*“Statement of Anil Kumar Sharma S/o Dhanpat Ral R/o Jagat Colony Gali No 3, Ward No 4, Lalheri Road Khanna Mobile No 8437000401. Stated that I am the resident of the above mentioned address and is working in Municipal Committee Khanna. I have 3 Sons Nikhil Sharma, Chirag Sharma, Hitesh Sharma. My youngest son sits in parking at Guru Amardas Market. My youngest son namely Nikhil Sharma is being threatened * by Rajan Bawa by many ways and regularly that an FIR is also registered against Rajan. Bawa Party.*

Today as usual my son Nikhil Sharma was sitting in the parking at Guru Amardas Market that Rajan Bawa alongwith Monu Sons of Kashmi Giri R/o KKhatika Chowk Khanna, Sanju, Manju, Rama sons of Billa Khoke Wala R/o Village Majiri Police Station Sadar Khanna, Mani @ Loon, Shehzad (grandson of Fatema Bibi) R/o Peer Khanna Road Khanna, Gora, Bila R/o Village Rassolgarh Police Station Sadar Khanna and 3-4 unknown persons who were armed with Iron Dhah, Iron Rods, Swords and sticks who while coming starting hitting my son with their armed weapons Iron Dhah, Iron Rods, Swords and Sticks upon my son Nikhil Sharma with the intention to kill him which hit on his head, arms, legs and even inflicted injuries upon him while he was lying down and when the people nearby heard the noise they saved him then the above persons ran away from the spot while leaving their weapons their only. I took my son and got . him admitted at Civil Hospital Khanna and as his condition was serious he was referred to Patiala now I am getting my statement recorded before you. Legal action be taken against the above persons who have inflicted injuries to kill my son.”

3. Contentions

On behalf of the petitioner

Though, on an earlier occasion, the petition bearing No.CRM-M-47899-2021 was dismissed vide order dated 05.01.2022 (Annexure P-4) declining the relief of anticipatory bail to the petitioners.

The instant petition has been preferred with the averment that change of circumstances has taken place by way of a compromise entered into between Anil and Nikhil as 1st party and Ramanpreet Singh and Ravi Kumar, as 2nd party.

The attention of this Court has been drawn to clause 1 to 5 of the said compromise deed, which reads as under:-

“1. That both parties hereby jointly and voluntarily request the competent authority to quash the aforementioned FIR to grant bail and other proceedings, registered against the second party accused.

2. *The Complainant/Victim undertakes to withdraw all allegations and complaints made against qua the Second Party, both orally and in writing, and will cooperate fully in the quashing of the FIR. 39*
3. *That both parties agreed not to initiate any further legal proceedings, civil or criminal, against each other arising out of the incidents leading to the FIR.*
4. *That both parties pledge to maintain family harmony and resolve any future disputes amicably through dialogue and peaceful means.*
5. *This Compromise Deed shall be binding upon the parties hereto, their respective heirs, executors, administrators, successors, and assigns”.*

Notice of motion.

On behalf of the respondent/State

Mr. Gourav Verma, Advocate has put in appearance on behalf of complainant and endorsed no objection, in case the present petitioners are released on bail by this Court, as the compromise has entered into and even an understanding has been reached at between the parties for which a quashing petition will be filed on the basis of said compromise.

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent-State, who also endorsed no objection, as the matter is settled between the parties.

4. Analysis & Decisions

In the light of above, this Court finds no reason to deny the petitioners the concession of anticipatory bail wherein the petitioners have bona fide intentions and are ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

Hence, in view of the admitted set of circumstances before this Court, the petitioners are hereby directed to be released on anticipatory bail subject to their joining investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (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 480, as if the bail were granted under that section.”*

However, it is made clear that in case the petitioner do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

08.11.2024

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