

2025:PHHC:112641



CRM-M-31036-2024 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-31036-2024 (O & M)

Date of decision: 25.08.2025

Gurnek Singh

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. C.L. Verma, Advocate, for the petitioner.

Mr. M.S. Toor, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.80 dated 04.06.2021 under Sections 342, 295-A, 148 and 149 IPC registered at Police Station Balachaur, District SBS Nagar and all subsequent proceedings arising therefrom on the basis of a compromise deed dated 19.04.2024 (Annexure P-2).

2. On 03.07.2024, the following order was passed:-

The present petition has been filed under Section 482 Cr.PC for quashing of FIR No.80 dated 04.06.2021 under Sections 342, 295-A, 148, 149 IPC registered as Police Station Balachaur, District SBS Nagar and all the subsequent proceedings arisen therefrom on the basis of compromise/ settlement (Annexure P-2) arrived at between the parties.

Notice of motion.

Ms. Manjot Kaur, AAG, Punjab has appeared in this case in pursuance of the notice of the instant petition having

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been sent to the respondent-State in advance. She seeks some time to file reply.

Ms. Monika Jangra, Advocate appears and accepts notice on behalf of respondent No.2. She has filed her Vakalatnama on behalf of respondent No. 2 in Court today and the same is taken on record.

Adjourned to 06.08.2024.

Reply be filed well in advance with copy to the opposite counsel.

Thereafter, on 06.08.2024, the following order was passed:-

Reply by way of an affidavit of Sham Sunder, PPS, Deputy Superintendent of Police, Sub Division Balachaur, District SBS Nagar, Punjab on behalf of respondent No.1/State has been filed in Court today, which is taken on record. Para No. 3 of preliminary objections reads as under:-

“That after registration of the case, the investigation of the case was initiated. During the investigation of case, the petitioner was identified as the person who removed the turban of complainant/respondent No.02 but no other accused could be identified in this matter hence sections 342, 148, 149 of IPC removed in this case. The petitioner was arrested in this case on 15.07.2021 and released on anticipatory bail on same day.”

When this Court has ordered the parties to appear before the trial Court for recording their statements, learned counsel for the petitioner submits that the petitioner may be permitted to appear through Video Conferencing as he is residing in Australia. Since the petitioner was granted anticipatory bail so, the petitioner to explain whether he has left the country in violation of conditions laid down under Section 438 (2) Cr.P.C. or with permission of the Court.

Adjourned to 30.09.2024.



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3. The matter has been adjourned from time to time.
4. The learned counsel for the petitioner contends that as a compromise has been effected between the parties, the petitioner has left the country because of a misunderstanding. Therefore, he prays that the present petition be allowed and the FIR be quashed.
5. None has appeared on behalf of the complainant-respondent No.2.
6. The learned counsel for the State *de hors* the factum of the compromise, contends that it is apparent that the petitioner has gone abroad in violations of the conditions imposed upon him in the order granting him anticipatory bail. Therefore, he is not entitled to the relief as prayed for.
7. I have heard the learned counsel for the parties.
7. A perusal of the facts would reveal beyond doubt that after the petitioner was granted the concession of anticipatory bail, he left the country without the permission of the Court. On a question being asked, the learned counsel for the petitioner submits that the petitioner cannot come back.
8. In view of the stated position of the petitioner, the present petition is devoid of merits and is dismissed.

August 25, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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