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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-17881-2022

Date of decision : 29.04.2022

Harsimran Singh @ Lucky

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vishnu Dutt, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.49 dated 07.03.2022 registered under Section 379-B(2) of the Indian Penal Code, 1860 at Police Station Focal Point, District Ludhiana.

Learned counsel for the petitioner has submitted that in the present case, no specific injury has been attributed to the petitioner as per the FIR and even the injuries allegedly caused to the complainant-Shiv Shankar are all simple in nature. It is further submitted that in the present case, compromise has been effected with the complainant-Shiv Shankar and as per the said compromise, it has been stated by the complainant-Shiv Shankar that in fact, there was quarrel between the parties and at that time, phone was lost and he has already found the said phone and that he has no objection, in case, the present FIR is quashed. It is further contended that there is a delay of one day in registration of the present FIR and the petitioner is not involved in any other

case.

Notice of motion.

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and submitted that there is one more person by the name of Roshan Kumar who is also the victim in the present case.

Mr. Vishnu Dutt, Advocate appears on behalf of respondent No.2-complainant-Shiv Shankar and has submitted that the compromise is genuine and phone of the complainant has already been recovered and he has no objection in case, the present petition is allowed.

Learned counsel for the petitioner, in rebuttal to the abovesaid argument raised by the learned counsel for the State, has submitted that no injury has been caused to said Roshan Kumar and even mobile of Roshan Kumar has not been taken and has further argued that the said Roshan Kumar cannot be stated to be victim in the present case.

This Court has heard the learned counsel for the parties and has perused the paper book.

As per the FIR, no specific injury has been attributed to the petitioner. Three injuries suffered by the complainant-Shiv Shankar have been stated to be simple in nature. The said Shiv Shankar has compromised the matter with the petitioner and other accused as per the compromise dated 22.03.2022 (Annexure P-2). The fact that the compromise has been entered into, has been reaffirmed by the counsel appearing on behalf of complainant-Shiv Shankar. As per the said compromise and as per the statement of counsel

for respondent No.2, phone of Shiv Shankar which was allegedly taken, has already been recovered and the said Shiv Shankar has stated that there was a quarrel that had broken out between the parties and the phone got misplaced and lost during the said quarrel and that he has no objection in case, the present FIR is quashed. Neither there is any injury caused to Roshan Kumar nor the phone of Roshan Kumar was taken. There is a delay of one day in registration of the present FIR and the petitioner is stated to be not involved in any other case.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

29.04.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**