

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

**Criminal Misc. No. M-11871 of 2015 (O & M)
Date of Decision:-16.9.2015**

Narinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. G.P.S. Bal, Advocate
for the petitioners.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

Mr. Imran Farooqi, Advocate for
Mr. D.S. Pheruman, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

CRM No.29089 of 2015

This is an application for placing on record the affidavit of respondent No.2/complainant-Parkash Singh regarding compromise the matter.

The affidavit is taken on record.

The criminal miscellaneous stands disposed of.

CRM-M-11871 of 2015

Prayer in this petition is for grant of anticipatory bail to the

petitioners in a complaint case bearing No.4331 of 2012 dated 11.7.2012 titled as "Parkash Singh vs. Narinder Singh". The said complaint was filed under Sections 302, 148 and 149 IPC and under Section 25/27/54/59 of the Arms Act dated 10.7.2012.

Learned counsel for the petitioners contends that apart from the fact that other co-accused named in the complaint have already been acquitted by the learned trial Court vide judgment dated 27.4.2015, the petitioners have not been acquitted for the reason that they were declared proclaimed offenders vide order dated 21.8.2014 passed by learned Sub Divisional Judicial Magistrate.

Learned counsel for the petitioners contends that there is no evidence on record which may lead conviction of the petitioners. He further submits that the complainant Parkash Singh son of Malook Singh has submitted an affidavit dated 31.8.2015, attached with Criminal Misc. No.29089 of 2015, to the effect that compromise has been effected between the parties. Learned counsel for the petitioner contends that the petitioners could not appear before the trial Court for the reason that they were witnesses in a State case in FIR No.45 dated 7.5.2012 under Sections 302, 307, 341, 336, 148 and 149 IPC and under Section 25/27/54/59 of the Arms Act, registered at Police Station Choha Sahib, District Tarn Taran.

Learned counsel for the petitioner has further contended that in case the petitioners are protected during the trial, they are ready to surrender before the trial Court.

Learned counsel for respondent No.2 does not dispute the factum of compromise effected between the parties.

Learned State counsel on instructions from ASI Parkash Singh has contended that the petitioners had been declared proclaimed offenders during the trial and therefore, they are not entitled for any relief, as claimed.

Considering the fact that the complainant has resiled in the complaint case and has been declared hostile and coupled with the fact that the complainant has also furnished his affidavit dated 31.8.2015 that he has compromised the matter, the petitioner deserves the concession of anticipatory bail. Accordingly, in case the petitioners surrender before the trial Court within seven days from today and join the proceedings, they shall be admitted to bail subject to the conditions and satisfaction of the trial Court.

It is made clear that merely because the petitioners have been allowed the concession of surrendering, it shall not have any effect on the merits of the case and the trial Court shall conduct and decide the trial in accordance with law.

The petition is disposed of.

September 16, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE