

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

(243)

**CRM-M-20868 of 2015
Decided on: August 27, 2015.**

Heera Singh and others

.... Petitioners

Versus

State of Punjab and others

..... Respondents

(2)

**CRM-M-20870 of 2015
Decided on: August 27, 2015.**

Gurmej Singh and others

.... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. R.K. Arya, Advocate, for the petitioners
in CRM-M No.20868 of 2015 and
for respondents No.2 and 3 in CRM-M No.20870 of 2015.

Mr. S.S. Kainth, Advocate, for the petitioners in
CRM-M No.20870 of 2015 and
for respondents No. 2 to 4 in CRM-M No.20868 of 2015.

Mr. Jashan Preet Singh, AAG, Punjab.

M.M.S. BEDI, J (ORAL)

This order will dispose of two petitions, one (CRM-M-20868 of 2015) for quashing of FIR No.13 dated 18.03.2015, under Sections 323, 324, 326, 447, 511, 148, 149 IPC registered at Police Station Tibber, District Gurdaspur and the other (CRM-M-20870-2015) for quashing of cross version recorded vide Rapat No.33 dated 18.03.2015, under Sections

323, 324, 148, 149 IPC, in the aforesaid FIR, both on the basis of compromise.

With the assistance of learned counsel for the petitioners, I have gone through the medical evidence and I am of the opinion that on the basis of injury on the tibia of Gurmej Singh indicating a super fine cut, offence under Section 326 IPC was added. The injury appears to have been wrongly declared as grievous as the super fine cut on tibia would not fall in any of the definitions of grievous injury under Section 320 IPC. Offence under Section 326 IPC appears to have been wrongly added on the basis of the report of the doctor.

The prosecution agency is directed to delete the offence under Section 326 IPC. After above said rectification, the remaining offences being compoundable and bailable, it will be open to the investigating officer to record the statement of the parties regarding the matter having been compromised and to form any opinion whether the circumstances of the case warrant to prepare and submit cancellation report. Parties are directed to appear before the investigating officer on 19.09.2015 or any other day convenient to the investigating officer. It is made clear that since all the offences are bailable, it will be open to the investigating officer to seek bail bonds and release them on bail at his own level before recording the statement.

Both the petitions are disposed of with above said directions.

(M.M.S. BEDI)
JUDGE

August 27, 2015
harsha