

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-32588-2015
Date of decision:23.9.2015

Davinder Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

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

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail in FIR No.131 dated 11.9.2014 registered under Sections 354 and 120-B IPC and Sections 354-B, 376, 328 and 511 IPC (added later on) at Police Station Sadar Hoshiarpur.

Learned counsel for the petitioner submits that second petition filed under Section 438 Cr.P.C. was dismissed as withdrawn with liberty to file fresh one vide order dated 17.9.2015 (Annexure P-5). With a view to maintain the second petition under Section 438 Cr.P.C., learned counsel for the petitioner refers to the changed circumstance as per compromise (Annexure P-2). He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that the present petition is not maintainable and the same is liable to be dismissed. It is so said because the allegations in the FIR are under Sections 120-B, 354-B, 376, 328 and 511 IPC. Since it is a crime against the society, compounding thereof is not permissible in law.

Further the compromise (Annexure P-2) seems to have been arrived at between the parties only for the purpose of filing the instant petition, which again prima facie shows that petitioner is trying to misuse the process of court. Such a litigant, who is trying to play with the system is not entitled for any kind of relief particularly discretionary relief of anticipatory bail from the court of law, as well.

In view of what has been discussed hereinabove, custodial interrogation of the petitioner will be compulsive necessity of the investigating agency. His earlier similar petition under Section 438 Cr.P.C. bearing CRM-M-151-2015 was dismissed by this Court on merits vide order dated 16.1.2015.

No case for anticipatory bail is made out.

Dismissed.

23.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE