

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

CRM-M-39516-2014 (O&M)

Date of Decision: January 29, 2015

Shamsher Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.B.S.Baath, Advocate
for the petitioners.

Mr.Shilesh Gupta, Additional Advocate General,
Punjab.

Mr.Satnam Gill, Advocate
for the complainant.

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Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C.,
is for grant of anticipatory bail to the petitioners, namely,
Shamsher Singh, Mohinder Singh and Bhupinder Kaur, who have
been booked for having committed the offences punishable
under Sections 148, 323, 324, 325, 326 and 452 read with Section
149, IPC, in a case arising out of FIR No.35, dated 06.08.2014,
registered at Police Station, Qadian, Police District Batala,
Revenue District Gurdaspur.

Learned counsel contends that it is a case of version and cross-version; petitioners Shamsheer Singh and Mohinder Singh had received grievous injuries attracting the mischief of Section 326, IPC, at the hands of the complainant side of the present case; the petitioners are collateral of the complainant of the present case; there was a dispute with regard to the joint tubewell and that during pendency of the investigation, the petitioners have resolved their all disputes with the complainant/injured and effected a compromise.

Learned counsel for the State on instructions from ASI Shiv Singh of Police Station, Qadian, very fairly concedes that during pendency of the investigation the petitioners have effected a compromise with the complainant/injured. However, he has opposed the grant of anticipatory bail to the petitioners in view of the nature and number of injuries caused to the complainant side of the present case.

Learned counsel for the complainant very fairly concedes that during pendency of the investigation, both the private factions have resolved their all disputes and effected a compromise. He further submits that he has the instructions to state at Bar that complainant Ranjodh Singh as well as injured

Baljit Kaur have no objection if the petitioners are granted pre-arrest bail in the present case. He further admits that it is a case of version and cross-version and petitioners Shamsheer Singh and Mohinder Singh had also received grievous injuries in the present case.

After hearing the learned counsel for the parties and going through the material available on record, this Court is of the considered view that in spite of the fact that the petitioners have been attributed the injuries attracting the mischief of Section 326, IPC, but still in view of the fact that the petitioners and the complainant side are thickly related with each other and the motive for the quarrel was a joint tubewell and during pendency of the investigation they have resolved their all disputes and effected a compromise, therefore, the concession of pre-arrest bail can be extended to them and, as such, the present petition is allowed. Interim directions issued vide order dated 28.11.2014 are made absolute.

In the event of arrest of the petitioners, they shall be admitted to bail subject to their furnishing bail bonds to the satisfaction of the Arresting Officer.

The petitioners shall continue to join the investigation

as and when required to do so and abide by all the conditions
laid down under Section 438(2), Cr.PC.

January 29, 2015
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(NARESH KUMAR SANGHI)
JUDGE