

CRM-M No.40253-2015 (O&M)
Date of Decision : 22.12.2015

Damanpreet Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. N.S.Swaitch, Advocate for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab

Mr. Vipin Mahajan, Advocate for the complainant.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for anticipatory bail filed in case bearing FIR No. 86 dated 31.07.2015, under Sections 452/326/325/324/323/148/149 IPC, registered at Police Station Dhariwal, District Gurdaspur.

The allegations were that the petitioner attacked the complainant who is his sister's husband and caused him injuries. Among them was an injury on the head with a datar to which section 326 IPC has been attracted.

On 14.12.2015 the following order was passed :-

“Counsel for the petitioner states that the petitioner is very keen to settle this dispute because the complainant is his sister's husband.

Counsel for the complainant, on the other hand, states that the brutality with which the petitioner attacked the complainant and his son really does not deserve any sympathy but if the matter is being adjourned, he would have no objection.

Adjourned to 22.12.2015.”

Today counsel for the petitioner asserts that a compromise has indeed taken place but this fact is denied by the learned counsel for the complainant on instructions of the father of the complainant. It is thus clear that no compromise has been effected between the parties. On merits learned counsel for the petitioner has argued that actually the complainant was habitual of beating his wife (sister of the petitioner) and the petitioner had actually gone to settle the dispute but over there also the complainant provoked the petitioner and the attack took place on the spur of the moment.

Learned counsel for the complainant has however argued that actually the petitioner had come prepared and group of them had attached the complainant.

In these circumstances treating the nature of injuries it would not be possible for this Court to accede to the prayer of the petitioner to grant him anticipatory bail. Agreeing with the order of Sessions Judge, Gurdaspur the petition is dismissed.

Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.

**(AJAY TEWARI)
JUDGE**

**December 22, 2015
sunita/Pooja sharma-I**