

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

CRM-M-9237-2015 (O&M)

Date of decision : 16.10.2015

Paramjit Singh @ Pamma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Amandeep Singh, Advocate,
for Mr. Kuldeep Singh Saini, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Ravi Shankar.

Complainant in person with
Mr. Vishwajeet Singh, Advocate.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.53 dated 24.06.2014, registered under Sections 307, 323, 324, 326, 341, 506, 148, 149 of the Indian Penal Code, (for short, 'the IPC') at Police Station Dugri, District Ludhiana.

The learned counsel for the petitioner submits that the injury suffered by the complainant is simple in nature, whereas, the

complainant, who is present in person, states that his right wrist had been chopped off and after multiple surgeries, the same could be restored. However, the right hand has been rendered substantially dysfunctional. The complainant, who was a master-cutter and obtained necessary training from Greatway Evelien Hosiery, has been thrown out of employment on account of the injury suffered.

To the agony of the petitioner, the police also tried to sabotage the case of the prosecution which forced this Court to take action against the erring officer. A reply by way of affidavit of the Commissioner of Police was filed stating therein that action has been taken against the defaulting official. However, the learned State counsel has not been able to elaborate as to what action so far has been taken in this regard.

The complainant has specifically stated that he being a labourer, is being forced to enter into a compromise. Otherwise, there is a threat to his life and liberty as well as to his family members. In this manner, the State has completely failed in protecting the interest of the complainant and compelled him to succumb to the pressure to enter into a compromise. Again, it is impressed that the compromise is a result of force and coercion applied on the complainant. In this view of the matter, this Court is not inclined to accept the plea of compromise between the parties.

In view of the above fact and the statement made by the complainant, no case for grant of bail to the petitioner is made out. The present petition is hereby dismissed.

At this stage, the learned State counsel submits that as the compromise has been effected on account of the pressure exerted upon the complainant, she seeks some time to file petition for cancellation of bail allowed to the co-accused in the present FIR, within one week from today. The prayer is allowed.

Furthermore, the Commissioner of Police, Ludhiana, is directed to take all necessary steps to ensure the safety and security of the complainant and the other members of the family.

A copy of this order be handed over to the learned State counsel, under the signatures of the Bench Secretary.

16.10.2015

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(JITENDRA CHAUHAN)
JUDGE

Note : Whether to be referred to reporter ? Yes / No