

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 33831 of 2016

Date of decision: 13.12.2016

Sukhdev Singh

Petitioner

vs.

State of Punjab and another

Respondent

Present: Mr. Arvind Thakur, Advocate.
Ms. HK Athwal, DAG, Punjab
Mr. LS Lakhanpal, Advocate.

M.M.S.BEDI,J.

This order will dispose of two petitions, one filed by Sukhdev Singh (CRM M 33831 of 2016) and the second filed by Harpreet Singh (CRM M 35623 of 2016).

The FIR was registered at the instance of Kaushalya Devi alleging that on 28.5.2015 the petitioners along with 8/9 other persons, armed with kapas, swords and dands came to the land of the complainant to take forcible possession of the same but when obstructed they attacked the complainant and her son Hardev Singh. So far as Sukhdev Singh is concerned, he had given kapa blows on the right thumb, fingers of right hand, on the forehead and head of Hardev Singh. So far as Harpreet Singh is concerned, he allegedly gave a sword blow on the head of the complainant.

Counsel for the petitioners has submitted that it is a case of cross version. Sukhdev Singh petitioner himself has received grievous injuries and that the complainant has compromised the matter with the petitioners. It has been submitted that the complainant is present in the

court to state that the matter has been compromised. Reliance has been placed on the affidavit of the injured persons to substantiate the plea that the matter has been compromised.

I have considered the facts and circumstances of the case. It is not out of place to mention here that this is third petition for pre-arrest bail on behalf of Sukhdev Singh. The occurrence in the present case is of 28.5.2015. It will not be appropriate for this court to express any opinion regarding the compromise having been arrived at between the parties without any threat, coercion or undue influence but I am of the considered opinion that in the present case the petitioners were able to evade their arrest for a period of about one and a half year. The matter has allegedly been compromised between the petitioners and the complainant and her son. Taking into consideration the nature of the injuries and the manner, in which the injuries had been inflicted, no extra ordinary exceptional circumstances exist to grant pre-arrest bail to the petitioners.

Both the petitions are dismissed without prejudice to the rights of the petitioners to surrender before the Illaqa Magistrate or the investigating officer and rely upon any compromise entered into between the parties, to seek the concession of regular bail. In case any such application is filed for regular bail after surrendering before the Illaqa Magistrate or the arresting officer, the court of competent jurisdiction shall decide the same expeditiously, preferably within two days.

December 13 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No