

CRM-M-35721-2016
Date of Decision : 10.11.2016

versus

....Respondent

CRM-M-37059-2016
Date of Decision : 10.11.2016

versus

....Respondent

Present: Mr. Parminder Singh, Advocate
for the petitioner in both the petitions.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

This order will dispose of two petitions, one filed by Harmesh Lal and another (CRM-M-35721-2016) and other by Jaswinder Singh (CRM-M-37059-2016) for grant of pre-arrest bail in case FIR No. 46 dated 10.08.2016 registered under Sections 308, 323, 34 IPC registered at Police Station Rawalpindi, Phagwara District Kapurthala at the instance of Kuldeep Singh alleging that petitioners were booked in a case of assault on 30.07.2016. Petitioners had assaulted the

complainant. Petitioner, Jaswinder Singh is attributed an injury with a spade on the head of the complainant. While issuing notice to the State, and granting interim orders, the petitioners were required to join investigation.

Harmesh Lal and Resham Lal have joined investigation but Jaswinder Singh has not complied with the interim direction. Learned counsel for the petitioners has submitted that as a matter of fact, the petitioners have compromised the matter with the complainant. Copy of the compromise has been placed on record.

Notice was issued to the complainant also in the case of Jaswinder Singh. Head Constable Subhash Chander has instructed the learned State counsel that there is no information with the investigating agency regarding the matter having been compromised.

Learned counsel for the petitioners has submitted that the complainant injured has made a statement in the Court.

I have considered all the facts and circumstances of the case. Harmesh Lal and Resham Lal having joined investigation and they having not been attributed any grievous injuries, can be granted the concession of bail. It is ordered that in case of arrest of petitioners - Harmesh Lal and Resham Lal in CRM-M-35721-2016, they shall be released on bail to the satisfaction of the arresting officer. So far as petitioner - Jaswinder Singh in CRM-M-37059-2016 is concerned, the factum of compromise may constitute a good ground for grant of regular bail as it will not be appropriate for this Court to consider the alleged

compromise especially, when the injury suffered by Kuldeep Singh complainant with a spade has been declared as dangerous to life. His petition is dismissed with the observations that in case he surrenders before the Illaqa Magistrate, his application for regular bail will be decided expeditiously by the Court of competent jurisdiction preferably within the period of two days.

(M.M.S. BEDI)
JUDGE

10.11.2016
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No