

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.36192 of 2015

Date of Decision:-09.02.2016

Deepak Gill.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- None for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Satwinder Singh.

Mr. Amit Dhawan, Advocate for the Injured-Devinder Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Deepak Gill in case FIR No.116 dated 16.05.2015 for offences punishable under Sections 323, 324, 506 and 34 of Indian Penal Code (Section 326 IPC added later on) registered with Police Station Nakodar, District Jalandhar.

As per the eye witness account of complainant Vikram Singh, that on 16.5.2015 at around 8.30 pm he saw accused Deepak armed with *Datar* and three other accused armed with *Kirch*, *Kirpan* and *danda* gave beatings to Rajinder Singh and when the complainant tried to save Rajinder

Singh present accused gave a *Datar* blow on his head as well. When Devinder Singh, brother of Rajinder Singh came at the spot, the aforesaid accused also gave injuries to him. The reasons for the fight was regarding the apprehension of the accused party that the bumper of their car was damaged by Rajinder Singh's party. The prayer in the present petition is based on an alleged compromise with the complainant party.

Learned Counsel for the Davinder Singh-injured submits that the said compromise dated 16.7.2015 (P-2) has only been effected with the eye witness Vikram Singh and not with the injured Davinder Singh and his brother injured Rajinder. He further submits that one out of the two injuries found on the person of Davinder was opined to be dangerous to life.

Learned State Counsel assisted by ASI Satwinder Singh submits that petitioner has joined investigation but has not cooperated in the investigation. He further submits that apart from the grievous injury inflicted on Vikram Singh complainant offence under Section 307 IPC qua injury of Davinder Singh has since been added.

In the light of the fact that there is no compromise the basis for seeking anticipatory bail stands removed.

Still further keeping in view the nature and manner in which injuries were caused no case for grant of anticipatory bail to the petitioner is made out.

Dismissed.

**(JASWANT SINGH)
JUDGE**

February 09, 2016
Vinay