

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

CRM-M No.6001 of 2016

Date of Decision: February 18, 2016

Jaskaran Singh and others

.... Petitioners

vs.

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vikas Sharma, Advocate for the petitioners.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Petitioners seek quashing of FIR No.36, dated 31.03.2015, under Sections 307, 336, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Kotwali Nabha, District Patiala (Annexure P-1) on the basis of compromise (Annexure P-2).

Notice of motion.

Mr. Ashish Sanghi, DAG, Punjab accepts notice on behalf of the State and Mr. Karan Sachdeva, Advocate has appeared on behalf of respondent No.2 and affirmed the compromise.

A perusal of the FIR shows that the friendship between Shahbaz Singh and Jaskaran Singh turned sour. Both of them were classmates. On 31.03.2015, Gurmanjot Singh (complainant) along with his cousin Hirdeypal Singh, Bhagwant Singh, Dilsherpal Singh

and his cousin's friend Shahbaz Singh went to PPS School, Nabha for examination of Shahbaz Singh. It was around 4.15 p.m., Jaskaran Singh along with his uncle Bhupinder Singh, his cousin Harkirant Singh @ Honey and Harsimran Singh @ Bhucho were standing outside the PPS School, Nabha. They started arguments with Hirdeypal Singh and also abused them and started manhandling them. Seven other boys, aged about 20-22 years were also with them. All of them started beating the complainant and his associates by giving slaps and blows. Then Bhupinder Singh took the revolver/pistol from his Swift Desire car and fired 2-3 shots in the air. He also fired a shot on the chest of the complainant with intention to kill him. All the accused also damaged the Sakoda Rapid Car. On seeing the gathering, accused ran away. Gurmanjot Singh was removed to the hospital. On the basis of his statement, the present FIR was registered on 31.03.2015.

It is stated on behalf of the petitioners that the investigation is still going on. It is further stated that the parties are students and their career has just started and the accused has spent lot of money on the treatment of Gurmanjot Singh and now parties have entered into a compromise.

Learned counsel for respondent No.2-complainant has no objection, if the FIR in question is quashed.

After hearing learned counsel for both the parties, I am of the view that it is not a fit case, where the FIR should be quashed. In the present case, a crime was committed outside the premises of

prestigious PPS School, Nabha. 2-3 shots were fired in the air when the examination was going on in the School and one shot was fired at Gurmanjot Singh, which pierced through his body. Although, Gurmanjot Singh is stated to have survived but the said shot could have been fatal.

Keeping in view the gravity of the offence and the fact that offence affects the society at large and is an offence against the society, I do not find it a fit case, where the FIR should be quashed on the basis of compromise. Accordingly, the present petition is dismissed.

Before parting with this order, the State is directed to enquire into the fact why the investigation was kept pending for 11 months and why the final report is not presented till now. Let Senior Superintendent of Police, Patiala enquire into the matter and take necessary action, if any police official, is found at fault.

February 18, 2016
sarita

(KULDIP SINGH)
JUDGE