

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

219

CRM-M-12934-2018

Date of Decision: November 21, 2018

Shinderpal Singh

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

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CRM-M-12709-2018

Balwinder Singh and others

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ghulam Nabi Malik, Advocate for the petitioner(s).

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Raj Shekhar Atttri, J. (Oral)

The present petition along with connection petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.37 dated 09.03.2018 registered for the offences punishable under Sections 458, 323, 148, 149 of Indian Penal Code, at Police Station Bhawanigarh, District Sangrur.

Heard.

The allegation against the petitioners in the FIR is that they entered into the house of the victim and caused injuries to him. Balwinder Singh hit on the back, Bhura Singh attacked with his sword and Boota Singh also participated in

the commission of an offence. They have joined investigation and nothing was recovered from them.

Without expressing any opinion on the merits of the case, this petition is allowed and the order dated 27.03.2018 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the trial Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

However, keeping in view the facts and circumstances of the case, this Court deems it appropriate that interim compensation must be awarded to the victim.

In view of the above, this Court assessed the interim compensation to the tune of ₹ 5,000/- to be paid jointly by all the petitioners in both the cases. The compensation amount shall be paid either through cash or bank draft in the name of the Nanak Singh son of Gurdev Singh and that shall be tendered before the learned Magistrate within ten days. This amount shall be without prejudice to the rights of the parties and shall be subject to the outcome of the trial. Learned Magistrate shall disburse this amount to the victim-Nanak Singh on his submitting

surety bond of the equal amount to the effect that in the event of any Court directs him to return this amount, he shall return and on his failure to do so, the surety shall be liable.

November 21, 2018
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[RAJ SHEKHAR ATTRI]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No