

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-755-2020

Date of Decision: 20.01.2020

Harpreet Singh @ Happy and others

.. Petitioners

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Dhawan, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

Mr. Abhimanyu Vinayak, Advocate for the respondents.

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Manoj Bajaj, J.

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.21 dated 04.03.2019, under Sections 324, 307, 148 and 149 IPC and under Section 25 Arms act, 1959, registered at Police Station Lohian, District Jalandhar. He apprehended his arrest at the hands of police in the above FIR.

The FIR in the present case was registered on the statement of complainant Balvir Singh, wherein it was stated that on 03.03.2019 at about 8:00 p.m., when he was coming back from dairy, his nephew Jagdeep Singh was sitting in the shop of Sukhwinder Singh and he had parked his Splendor motorcycle bearing No. PB-67-C-2322 outside the shop. In the meantime, accused Soni came on his tractor trolley and when tried to take turn, but failed to negotiate it. He started abusing the complainant. After some time, accused Soni came there along with five other persons on three motorcycles.

Soni armed with kirch, accused Jagdev Singh @ Jagga armed with datar,

accused Chhinda was armed with revolver along with two more unidentified persons started abusing his nephew Jagdeep Singh. Accused Jagga gave a datar blow to Jagdeep Singh, who in order to save himself put forward his left hand and datar hit on his fingers, whereas accused Sonu gave a kirch blow on the head of Jagdeep Singh, who put forward his right hand to save himself and kirch hit on his little finger of right hand and the unidentified person caught hold of him. In the meantime, Chhinda fired a shot from his revolver on Jagdeep Singh with the intention to kill him. The complainant raised hue and cry and then accused fled away from the spot. On these broad allegations, the present FIR was registered.

Notice of motion in the petition was issued on 10.01.2020.

Learned counsel for the petitioners contends that the alleged shot was fired by co-accused Chhinda, who has been granted the concession of regular bail in CRM-M-32834-2019 vide order dated 17.10.2019 by this Court. He further submits that the parties have entered into a compromise and considering the role attributed to the petitioners, the concession of pre-arrest bail be extended to them.

Learned counsel for the respondent Nos.2 and 3 i.e. victim and complainant respectively has not opposed the prayer for pre-arrest bail on the ground that the parties have entered into a compromise.

Whereas on the other hand, learned State counsel assisted by ASI Mohan Singh, has opposed the prayer on the ground that the offences are serious and, therefore, compromise in this case is meaningless. It is contended that for effective investigation, custody of the petitioners is necessary to effect the recovery of weapons and, therefore, the petitioners do not deserve the benefit of anticipatory bail.

After hearing learned counsel for the parties, this Court is of the opinion that the offences are serious in nature, therefore, the reliance placed upon the alleged compromise by the petitioners, which is supported by the respondent Nos.2 and 3 is not acceptable. The assailants were specifically named in the FIR, who were armed with weapons and caused injuries to the victim.

Considering the nature of the offences and the role attributed to the petitioners, this Court does not find it to be a fit case for grant of pre-arrest bail to the petitioners.

The prayer is declined and the petition is dismissed. However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

20.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No