

Paramjit Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.K. Virk, Advocate for the petitioner

Mr. Luvinder Sofat, AAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 47 dated 16.02.2020 registered under Sections 307, 324, 34 IPC (Sections 326, 427, 341, 506 IPC added later on) at Police Station City, Kapurthala.

The FIR was registered on the complaint filed by Parveen Kumari. She has stated that about 10 years earlier she was married with Paramjit Singh son of Mohinder Singh (petitioner). However, the relationship soured and she came in contact with Surjit Singh son of Dalip Singh and started residing with him. On the date of the incident, she was going with Surjit Singh towards Kapurthala, when they were attacked by 3-4 persons with sharp edged weapons who were riding on a motorcycle. She named the petitioner and some others.

Learned counsel for the petitioner has argued that the petitioner has been in custody for almost 7 months. The trial is not likely to be concluded at an early date as even charges have not yet been framed. There is no other criminal case pending against the petitioner. Meanwhile, the complainant has entered into a compromise with the co-accused. False implication can not be ruled out as no specific allegations were made against any person in the FIR.

Thus, the petitioner may be granted regular bail.

Custody certificate dated 22.09.2020 has been presented in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 6 months and 29 days and there is no other criminal case pending against him.

Learned State counsel opposes the prayer for bail and submits that the petitioner inflicted many severe injuries on Surjit Singh. Three of these injuries were on the head and as a result, Surjit Singh has been partially paralysed. The alleged compromise with the co-accused can not come to the aid of the petitioner as the police investigation has shown that he is the main accused and that he was the one who inflicted injuries with sharp edged weapon. In any case offence under Section 307 IPC is non-compoundable and, thus, any compromise has no legal sanctity.

Having heard learned counsel for the parties and having perused the record, I am of the opinion that the present petition deserves to be dismissed. The petitioner has inflicted many injuries on Surjit Singh out of which three are on his head. On account of the said injuries, Surjit Singh has become partially paralysed. Offence under Section 307 is non-compoundable and, thus, even if the compromise had been with the petitioner, I would have ignored it. The compromise with the co-accused can not benefit the petitioner in any manner. A very serious offence has been committed and, thus, even though the trial is not likely to be concluded at an early date, I do not deem it appropriate to release the petitioner on regular bail at this stage.

The petition is, accordingly, dismissed.

September 23, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No