

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22497-2020 (O&M)
Date of Decision:-21.09.2020.

Chamkor Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Naveen Batra, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab.

SANJAY KUMAR, J. (Oral)

CRM-23390-2020

This application is ordered and the compromise deed dated 13.08.2020 is taken on record as Annexure P-6.

CRM-M-22497-2020

The petitioner is one of the accused in FIR No.67 dated 10.09.2019 on the file of Police Station Behram, District Shaheed Bhagat Singh Nagar, registered under Sections 452, 323, 324, 506, 34 and 307 IPC. By way of this petition filed under Section 438 Cr.P.C., he seeks grant of anticipatory bail.

Mr. Naveen Batra, learned counsel for the petitioner, would state that the mater has been settled with the complainant and compromise deed dated

13.08.2020 (Annexure P-6) was executed in evidence thereof. He would rely upon this document to press for release of the petitioner on bail.

However, Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab, would oppose this request. He would place reliance on the reply filed by the Deputy Superintendent of Police, Banga, District SBS Nagar. Therein, the Deputy Superintendent of Police stated as follows:- Information was received from the Civil Hospital, Phagwara, to the effect that Kuldeep Kumar *alias* Keepa was admitted with injuries on 09.09.2019. The complainant, the mother of the injured, got her statement recorded at the hospital to the effect that on 09.09.2019 at about 2.15 p.m., a Constable had come from the Women Cell, Hoshiarpur, and while he was talking to Jaspreet Kaur outside the house, the accused came into the house and attacked her son. The petitioner was stated to have been armed with a *gandasa* and allegedly gave indiscriminate blows to the injured. The Deputy Superintendent of Police stated that the injured had suffered as many as 20 injuries, of which 6 were declared to be grievous injuries. Thereupon, Section 326 IPC was also added in the case *vide* DDR No.19 dated 23.09.2019.

Significantly, the attack upon the victim by the petitioner was witnessed by Resham Lal, Head Constable, Office of the Deputy Superintendent of Police, Crime Against Women and Children, Hoshiarpur. His statement recorded under Section 161 Cr.P.C. is placed on record as Annexure R-2/T. Therein, he stated that one boy who was armed with an iron *gandasa* attacked the boy inside the house and gave him *gandasa* blows indiscriminately. He further stated that he tried to snatch the *gandasa* from the boy but the boy warned him that if he tried to intervene, he would also suffer *gandasa* blows. As he did not have any weapon in

his possession, the Head Constable stated that he merely asked the boy not to cause injuries but he did not desist. He further stated that he and the elderly lady in the house raised an alarm and many people gathered there, but the boy with the *gandasa* continued to give blows to the victim indiscriminately. According to the Head Constable, the boy came out of the house only when he perceived that the injured had died and then fled from the scene with his weapon. The Head Constable stated that he later came to know the name of the boy, viz., Chamkor Singh, the petitioner herein.

In the light of the independent eye-witness evidence that is available and given the seriousness of the offence committed, this Court is not inclined to accept the compromise, if any, that may have been arrived at by the parties, be it for whatever reason. A crime of this nature is a crime against society and the State is bound to take action in such cases so as to send out a strong signal to wrong doers. It is not open to the people to take law into their own hands to settle their disputes with others and thereafter seek to bring the curtains down by effecting unlawful compromises. Given the nature of the injuries caused to the victim and the fact that there is eye-witness evidence of a member of the uniformed service, this Court finds no grounds whatsoever to grant relief to the petitioner.

The bail petition is accordingly dismissed.

(SANJAY KUMAR)
JUDGE

September 21, 2020.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.