

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26571 of 2020

Date of Decision : 30.09.2020

Om Parkash and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bhupinder Bir Singh Randhawa, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Ms. Sukhbir Kaur Brar, Advocate for
Mr. R.K. Arya, Advocate for the complainant.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail to the petitioners in respect of FIR No.97
dated 28.05.2020 under Sections 452, 354, 354-B, 509, 323, 148, 149 IPC
registered at Police Station Shri Hargobindpur, District Batala.

Learned counsel for the petitioners argues that the petitioners
have wrongly been implicated in the present FIR and the allegations against
the petitioners are politically motivated. Learned counsel for the petitioners
submits that there has been a compromise between the parties and,
therefore, on the basis of the said compromise, the petitioners may kindly be
granted the benefit of anticipatory bail.

Mr. Sandeep Singh Deol, DAG, Punjab, who is appearing
through video conferencing keeping in view the service of advance copy of
the petition submits that the compromise, which is being relied upon by the
petitioners cannot come to their rescue for the reasons that Sections 354-B,
148, 149, 452 and 354 IPC are non-compoundable.

Ms. Sukhbir Kaur Brar, Advocate for Mr. R.K. Arya, Advocate, who is appearing through video conferencing for the complainant submits that subsequent to the registration of the present FIR, another FIR has been registered against the petitioner on 30.08.2020 under Sections 325,323,452,354,341,148 and 149 of IPC and, therefore, keeping in view the fact that the petitioners are involved in an another case after the registration of present FIR, the prayer of the petitioners for the grant of anticipatory bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It has not been disputed by the learned counsel for the petitioners that after the registration of the present FIR No.97 dated 28.05.2020, there is another FIR registered on 30.08.2020, which shows that the petitioners have indulged in the similar acts after the registration of present FIR. With regard to the prayer of the petitioners that the parties have compromised, the same cannot be taken for consideration for two reasons; firstly, the compromise could not be effected in respect of the allegations, which are non-compoundable and secondly, even after the compromise, another FIR has been registered against the petitioners on 30.08.2020. That being so, the conduct of the petitioners shows that they are not entitled for the benefit of anticipatory bail, therefore, the prayer of the petitioners for the said benefit is declined.

Dismissed.

September 30, 2020
aarti/naresh k.

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No