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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.27194 of 2020 (O&M)

Date of decision: 10.09.2020

Suraj @ Toti

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Daman Jeet Bhoriwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.102 dated 03.06.2019 registered under Sections 458, 323, 148, 149 IPC (Section 307 IPC added later) at Police Station Canal Colony, District Bathinda.

Counsel for the petitioner has argued that there is no specific allegation against the petitioner and some of the co-accused of the petitioner, have already been granted the concession of anticipatory bail vide order dated 21.08.2019 passed in CRM-M Nos.28359 and 31935 of 2019. It is further argued that the matter stands compromised between the parties.

A perusal of the FIR show that the same was registered on the statement of the complainant – Rajat Kumar that the petitioner along with 05 other co-accused, who were armed with weapons like iron rod, stick and rods, attacked him and his friend Karan.

Counsel for the State has, however, submitted that the

CASE HEARD THROUGH VIDEO CONFERENCING

complainant never acknowledged the compromise as even the petition filed by the petitioner i.e. CRM-M No.38550 of 2019, praying for quashing of the FIR, on the basis of the compromise was dismissed by this Court on 12.02.2020. It is further submitted that the anticipatory bail to the co-accused of the petitioner was granted on the pretext that there is a compromise between the parties, however on verification, the same was not found to be correct. It is also submitted that the petitioner is named in the FIR and there are specific allegation against him. It is further argued that the FIR pertains to 03.06.2019 and till date, the petitioner has not surrendered before the Investigating Officer and therefore, the investigation is pending as the petitioner is evading his arrest.

After hearing the counsel for the parties, considering the fact that the petitioner is named in the FIR and the factum of compromise, on the basis of which some of the co-accused of the petitioner was granted anticipatory bail, was never acknowledged by the complainant and on verification, the same was also found to be incorrect, I find no ground to grant the concession of bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

10.09.2020

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No