

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CRM-M-34754-2020 (O&M)

Date of decision: 30.10.2020

Jaiveer Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR.JUSTICE H.S. MADAAN**

Present: Mr. J.S. Thakur, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

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**H.S. MADAAN, J. (Oral)**

Case taken up through video conferencing.

This third petition for pre-arrest bail has been filed by petitioner Jaiveer Singh, aged about 19 years, an accused in FIR No.248 dated 28.11.2019, for offences under Sections 323, 324, 506, 148, 149 IPC and Section 326 IPC added later on, registered at Police Station Rama Mandi, District Jalandhar Commissionerate.

Briefly stated facts of the case as per prosecution version are that, on 25.11.2019, at about 8.00 P.M. while the complainant Baldev Singh was working in his shop, then Jaiveer Singh – present petitioner alongwith Daman Bali, Anurag @ Anu and Sonu Kero, residents of village Dakoha and some other persons came to his shop on motorcycles. They were armed with kirpans. Jaiveer inflicted a blow with kirpan on

head of the complainant, whereas Sonu Kero also gave a kirpan blow to the complainant hitting him on his head. When the complainant fell down, then Anurag, Daman Bali, Purav and their other accomplices gave blows hitting the complainant on his left arm and other parts of his body. When Amandeep, a friend of the complainant arrived at the spot, he raised alarm and then all the assailants ran away from the spot alongwith their respective weapons.

A perusal of record goes to show that the first petition filed by the petitioner-accused was dismissed as withdrawn. The second petition bearing No.CRM-M-8469-2020 was dismissed by this Court, vide detailed order dated 20.05.2020. The operative part thereof is as under:-

*“At the outset, the very maintainability of the present petition is suspect. The petitioner having withdrawn the first petition without stating anything as to why the same was being withdrawn and praying for grant of permission to file a fresh one, in that way, the second petition is not maintainable. Even otherwise, on merits also, the petitioner does not have any case. He is specifically named in the FIR. He is attributed three injuries with kirpan, two of the injuries being on the head of the complainant-injured and one on the left hand, which was declared to be grievous in nature. In that way, the petitioner is the main accused in the case.*

*As submitted by the State counsel, the petitioner is involved in another criminal case bearing FIR No. 37 of 13.2.2019, for offences under Sections 323, 341, 379, 427, 148, 149 IPC, registered with Police Station Rama Mandi, Jalandhar. That means, he has got a criminal past. The custodial interrogation of the petitioner is necessary to effect*

*the recovery of weapon used in the incident and to find out as to how the incident was planned and executed. In case the custodial interrogation is denied to the Investigating Agency, that shall adversely effect the investigation, leaving many loop holes and flaws, which is uncalled for.”*

Now the petitioner has come up with the third petition for pre-arrest bail, stating that the matter has been compromised between the parties and they have decided to live peacefully. This is certainly no reason to file third petition for pre-arrest bail. Even otherwise, offence under Section 326 IPC is non-compoundable and there could not be any question of the matter having been compromised between the parties. This is a petition for pre-arrest bail and if a similar petition filed earlier has been decided on merits, then the second petition is not maintainable, may be on account of change in circumstances or any other reason. Filing of such petition by the petitioner is nothing but abuse of process of law and it deserves to be dismissed with exemplary costs. The petition in had is dismissed accordingly. However, keeping in view the totality of circumstances, I refrain from imposing any costs.

But, it is very strange to notice that the local police is dragging its feet in the matter, not arresting the petitioner despite the fact that the FIR was registered on 28.11.2019, the petition for pre-arrest bail filed by the petitioner was dismissed, vide order dated 12.12.2019 by Addl. Sessions Judge, Jalandhar, the first petition for pre-arrest bail was dismissed as withdrawn by this Court on 14.01.2020 and second petition was dismissed on merits, vide order dated 20.05.2020 and even then the

petitioner has not been arrested, resultantly, he is approaching the Court time again again, asking for anticipatory bail.

The Commissioner of Police, Jalandhar is directed to intimate as to why after registration of the FIR and having been booked up for non-bailable offence, the petitioner is roaming about freely and has not been arrested so far. The steps taken in that regard be also intimated to this Court.

Let a copy of the order be supplied to learned State counsel with a direction to get the requisite report from Commissioner of Police, Jalandhar within 15 days from today, which be then put up before this Court at the earliest.

30.10.2020

*sumit.k*

**(H.S. MADAAN)**  
**JUDGE**

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |