

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

CRM-M-36127-2020

Date of Decision: 05.11.2020

Nindi alias Akash

..... Petitioner

versus

State of UT, Chandigarh

..... Respondent

2. CRM-M-36132-2020(O&M)

Aman Chauhan

..... Petitioner

versus

State of UT, Chandigarh

..... Respondent

3. CRM-M-36158-2020(O&M)

Rishu alias Rishpal

..... Petitioner

versus

State of UT, Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. A.S.Tagra, Advocate for the petitioner(s).

Mr.Lalit Kumar Gupta, APP, UT, Chandigarh.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of CRM-M-36127-2020 (Nindi alias

Akash vs. State of UT, Chandigarh), CRM-M-36132-2020 (Aman Chauhan

vs. State of UT, Chandigarh) and CRM-M-36158-2020 (Rishu alias Rishpal vs. State of UT, Chandigarh) as these three petitions have been preferred under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner(s) herein in FIR No. 217 dated 25.08.2019, under Sections 341, 323, 147, 148, 149, 506, 307 IPC, registered at Police Station Sector 34, Chandigarh.

Counsel for the petitioner(s) in these three connected petitions would contend that after registration of the FIR a compromise dated 10.09.2020 (Annexure P-2) has been entered into and in the light of such development the petitioner(s) ought to be granted protection.

Having heard counsel at length and having perused the pleadings on record this Court is of the considered view that the prayer in these three petitions does not warrant acceptance.

It has gone uncontroverted that earlier in point of time CRM-M-25535 of 2020 titled as Rishu alias Rishpal Singh and others vs. State of UT and another had been preferred under Section 482 Cr.P.C. seeking quashing of the FIR on the basis of a compromise. In such petition it had been noticed that the compromise had not been entered into with all the members of the complainant party/injured persons and accordingly petition was dismissed as withdrawn vide order dated 01.09.2020 with liberty to the petitioners therein to file a petition afresh by impleading the entire complainant party.

It is now sought to be contended that the compromise is wholesome in nature and the settlement has been arrived at with the entire complainant/injured party.

For certain strange reasons the complainant party/injured have not even been impleaded as party respondents in the instant petition. Under such circumstances the veracity and authenticity of such compromise cannot be gone into.

That apart perusal of the FIR would reveal that there are specific roles/injuries attributed to the petitioner(s) herein. Insofar as Aman Chauhan is concerned i.e. petitioner in CRM-M-36132-2020, he has been attributed knife blows on the chest and right hand of injured Rajiv. Insofar as Rishu alias Rishpal Singh and Nindi alias Akash i.e. petitioners in CRM-M-36158-2020 and CRM-M-36127-2020 respectively are concerned the attribution is of knife blows on the left side chest and foot of injured Rajiv.

The weapons of offence need to be recovered from these three petitioners. They were a part of an unlawful assembly and who had delivered injuries with a sharp edged weapon. It is a serious offence. The matter requires to be probed further and for which custodial interrogation of the petitioner(s) would be necessary.

Petitions are dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

05.11. 2020
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No