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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.28433 of 2021 (O&M)

Date of decision: 22.07.2021

Om Parkash Alias Oma and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.S. Dhindsa, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Ramandeep Singh, Advocate
for respondents No.2 and 3.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.312 dated 14.12.2020 registered under Sections 307, 336, 323, 325 (added later), 341, 427, 506, 148, 149, 120-B IPC and 25/27/54/59 of the Arms Act at Police Station City Sangrur, District Sangrur.

Counsel for the petitioners, at the very outset, has relied upon the order dated 09.03.2021 passed in CRM-M No.7040 of 2021.

The operative part of the said order, reads as follows:-

“Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of complainant/victim Babandeep Singh, on 14.12.2020, some protest was organized at Sambhu Border by the local MLA and he along with his friends Amanpreet Singh, Baljinder Singh, Robin @ Gobhi, Rahul @ Toti and Himanshu had to reach the office of local MLA, however, when they reached there, they came to know that MLA has already left. When leaving the place, they were crossed by

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another vehicle at Fountain Chowk, Patiala Gate, Sangrur. The assailants namely Mani Mahesh Jindal, Shira and Vicky @ Rarri armed with iron pipes started inflicting injuries to the victims. Om Parkash @ Omma was carrying 12 bore rifle in his hand, his brother Joni was armed with a pistol and other accused were armed with iron rods and they started giving beatings to them. Joni fired two shots with his pistol and Om Parkash @ Omma caused injuries by firing shots with intention to kill. The pellets hit on the leg of Amandeep Singh, due to which he fell down. Other assailants also gave injuries with iron pipes.

Learned counsel for the petitioner has submitted that the petitioner is licensed owner of the gun, which was given to Om Parkash @ Omma for his self-protection, however, he, without knowledge of the petitioner, used the same. It is also submitted that though initially the petitioner was not named in the FIR, however, during the investigation, it came to know that another vehicle has intercepted the vehicle of the complainant side. It is next submitted that without prejudice to right of defence, the petitioner is ready to hand over a sum of Rs.1.00 lac to the victims for their medical treatment. It is further submitted that the petitioner is in custody since 22.12.2020 and is no more required for further custodial investigation.

Learned State counsel has filed the custody certificate dated 09.03.2021 in the Court today and submits that the gun used by Om Parkash @ Omma is a licensed gun in the name of the petitioner and said Om Parkash @ Omma is yet to be arrested and gun is also to be recovered from him.

Learned State counsel has referred to the injuries sustained by Babandeep Singh, Amandeep Singh and Amanpreet Singh, to submit that they were caused multiple injuries by the accused persons and some of the injuries sustained by Babandeep Singh and Amandeep Singh are on account of firearm pellets suffered by them.”

Counsel for the petitioners has further submitted that later on, a compromise has been effected between the parties and 02 of the accused namely Rajinder Singh @ Cobra and Akash @ Bhindi, have been granted the concession of anticipatory bail, noticing the fact that

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on the basis of the compromise dated 27.04.2021, the petition i.e. CRM-M No.21566 of 2021, titled as “*Vijay Kumar @ Vijay Lankesh and others vs State of Punjab and others*”, has already been filed in which on 02.07.2021, a direction was issued to the trial Court to record the statement of the parties regarding the compromise.

Counsel for the petitioners has also submitted that during the pendency of the anticipatory bail application before the Court of Sessions, the trial Court, without following the proper procedure under Sections 82/83 Cr.P.C, has declared the petitioners as proclaimed offenders as this fact was not brought to the notice of the trial Court by the Investigating Officer that the anticipatory bail application is pending.

Counsel for the petitioners has further argued that the petitioners, without prejudice to their right of defence, are ready to pay a sum of Rs.1.00 lac to the victim towards the medical treatment.

Lastly, it is submitted that since the matter has been amicably settled between the parties and a compromise quashing petition has been filed, the petitioners be granted the concession of anticipatory bail by keeping the order declaring the petitioners as proclaimed offender, in abeyance.

Counsel for the State has not disputed the factual position that the matter has been compromised between the parties. It is also not disputed that the compromise is effected with all the accused persons including the present petitioners.

After hearing the counsel for the parties, considering the fact that the matter stood compromised between the parties, the petition

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is allowed and the petitioners are directed to appear before the Investigating Officer within a period of 10 days from today to join the investigation and they shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. They shall make themselves available for interrogation by a police officer as and when required;*
- 2. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. They shall not leave India without previous permission of the Court.*

This will, however, be subject to the condition that the petitioners will deposit Rs.1.00 lac with the Illaqa Magistrate/trial Court within a period of 30 days from today and the same will be disbursed to the victim as per the direction of the trial Court/Illaqa Magistrate.

It is made clear that if the amount of Rs.1.00 lac is not paid on or before 23.08.2021, the present petition shall stand dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

22.07.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No