

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

**CRM-M-40880 of 2020
Date of Decision: 22.04.2021**

1. Gurdit Singh and othersPetitioners

Vs.

State of Punjab and othersRespondents

CRM-M-40891 of 2020

2. Mahinder Singh @ Mindi and othersPetitioners

Vs.

State of Punjab and othersRespondents

CRM-M-9401 of 2021

3. Jaspal Singh @ TitliPetitioner

Vs.

State of PunjabRespondent

CRM-M-9541 of 2021

4. Vikram SinghPetitioner

Vs.

State of PunjabRespondent

CRM-M-9689 of 2021

5. Mani @ Manpreet SinghPetitioner

Vs.

State of PunjabRespondent

CRM-M-10133 of 2021

6. Mahinder Singh @ MindiPetitioner

Vs.

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr.Davinder Singh, Advocate, for the petitioners
in CRM-M-40880 of 2021.

Mr.Ayush Gupta, Advocate, for the petitioners
in CRM-M-40891 of 2021.

Mr.Manuj Nagrath, Advocate, for the petitioners in
CRM-M-9401 of 2021 and CRM-M-10133 of 2021.

Mr.Amit Goyal, Advocate, for the petitioner in
CRM-M-9541 of 2021.

Mr.S.S.Deol, DAG, Punjab.

Mr.P.S.Sekhon, Advocate, for
the complainant in the FIR.

AMOL RATTAN SINGH, J. (ORAL)

CRM-M-40891 of 2020 & CRM-M-40880 of 2020

Vide these two petitions, the petitioners in each seek quashing, on the basis of a compromise reached between the parties, of FIR No.161 dated 23.06.2020, registered at Police Station Division no.2, Police Commissionerate, Ludhiana, for the alleged commission of offences punishable under the provisions of Sections 307, 324, 341, 427, 506, 148 and 149 of the IPC and the cross-version thereto, registered at the same police station, vide G.D no.037 dated 25.08.2020, for the alleged commission of offences punishable under the provisions of Sections 323, 324, 341, 427, 506, 148 and 149 of the IPC.

On 09.12.2020, this court had noticed that one of the offences are as alleged to have been committed being one punishable under the provisions of Section 307 of the IPC with the allegation being that one person had been attacked with a “*dattar*” on his head and another person in the abdomen with a “*kirch*”, all counsel would be required to

address arguments in terms of the judgment of the Supreme Court in **Narinder Singh Vs. State of Punjab (Criminal Appeal No.686 of 2014)**, as to how such an FIR could be quashed even on the basis of any compromise reached between the parties.

Thereafter, hearing in the matter having been adjourned on the request of one of the learned counsel appearing, today, learned counsel for the petitioners in CRM-M-40880 of 2020, i.e. the complainant in the FIR, submits that in fact after the compromise is stated to have been reached, it has 'fallen through' and consequently, as of today there is no compromise between the parties.

Mr.Ayush Gupta, Advocate, appearing for the petitioners in CRM-M-40891 of 2020 (i.e. the petition by which quashing of the FIR itself is sought) submits that he has no specific instructions in that regard but since the complainant in the FIR is petitioner no.1 in the 'cross case', naturally he would not be in a position to say anything to the contrary.

In view of the above, both the learned counsel therefore, now submit that they may be permitted to withdraw both the petitions.

Accordingly, these petitions are disposed of as having been withdrawn.

CRM-M- 9401 of 2021

Vide this petition, the petitioner seeks the grant of anticipatory bail in the case FIR No.161 dated 23.06.2020 registered at Police Station Division No.2, Police Commissionerate Ludhiana, for the alleged commission of offence punishable under the provisions of Sections 307, 323, 324, 341, 427, 506, 148 and 149 of the IPC.

It is to be noticed that the petitioner in this case, Jaspal Singh

@ Titli, was admitted to interim bail by this court vide an order passed on 03.03.2021, with learned counsel having argued on a date prior thereto (26.02.2021) that he has actually only been roped in with the FIR registered 11 days after the actual occurrence and with there being a cross case also registered; and further, even as per the FIR, only a simple injury has been attributed to him on the person of one Manpreet Singh (though denied by the petitioner).

Upon query to the learned State counsel, he submits that the said petitioner has joined investigation.

That being so, without making any comment on the actual merits of the case, interim bail having been granted essentially for the reason that it had been contended that he had been falsely “roped in” on the FIR being registered about 11 days after the occurrence, the order passed on 03.03.2021 qua the said petitioner, is made absolute (qua Jaspal Singh @ Titli).

CRM-M-10133 of 2021

As regards the petitioner in this case, i.e., Mahinder Singh @ Mindi, Mr.Nagrath, learned counsel for the petitioner, submits that though he has been attributed a *kripan* blow on the left arm of Gurmeet Singh @ Johny, there is no injury on the said person on the left arm and the injury is on his right arm actually, and consequently he too has only been roped in.

However, it is seen that this petitioner was also attributed an exhortation (*lalkara*), with Mr.P.S.Sekhon, counsel for the complainant in the FIR, submitting that a total of 9 persons were injured and other than

the blows attributed to him on the left arm of Gurmeet Singh @ Johny, the petitioner has been attributed various blows to other persons also.

That being so, I find no ground to entertain this petition seeking anticipatory bail, though Mr.Nagrath has also argued that even the persons who have been attributed injuries dangerous to life have been admitted to bail under the provisions of the Section 439 of the Cr.P.C. by the trial court.

Obviously, the parameters for admitting a person to bail under the provisions of 439 of the Cr.P.C. are wholly different to there while admitting a person to bail under the provisions of Section 438 of the Code.

Mr.Nagrath has also submitted that even the injury on the right arm of Gurmeet Singh and other injuries on the other persons are shown to be simple injuries, and consequently the petitioner deserves to be admitted to bail.

Even having considered that contention, what this court cannot ignore, for the purpose of this petition seeking anticipatory to the petitioner, is that offences punishable under Sections 148, 149 of the IPC are also alleged to have been committed as per the FIR, and all the accused alleged to have been present on the spot with *dandas* and *kripans* etc., hence, I would see no reason to entertain this petition which is consequently dismissed, with the interim order vacated.

CRM-M-9541 & 9689 of 2021

For the reasons already given in the case of Mahinder Singh @ Mindi hereinabove, I would find no ground to entertain these petitions

further.

It is also to be noticed that Mr.Nagrath has submitted that the person in whose favour the interim order has been made absolute herein above, i.e. Jaspal Singh @ Titli, has been attributed a similar role to those of the petitioners in these petitions, i.e. "*danda blows*".

Mr.Goyal, counsel for the petitioner (in **CRM-M-9541 of 2021**), submits that against the petitioner herein, i.e. Vikram Singh, has also been attributed a similar role to that of Jaspal Singh @ Titli, having inflicted a *danda* blow on the legs of Manpreet Singh and consequently, the order passed in his favour admitting him into interim bail may be made absolute.

However, Mr.Sekhon and Mr.Deol have pointed out that in fact there are injuries on the legs of Manpreet Singh and therefore, when seen collectively, the petitioner also does not deserve to be admitted to bail (which of course Mr.Sekhon had submitted in the case of the aforesaid Jaspal Singh @ Titli also).

It is also to be noticed that the interim order in these cases had been passed essentially on the ground that there was a compromise reached between the parties, which admittedly has fallen through.

However, to repeat yet again, the only reason why Jaspal Singh @ Titli has been admitted to bail is that at the time that interim bail was granted to him, it was essentially on the ground that he may have been roped in falsely.

Hence, to repeat, with the offences punishable under Section 148 and 149 of the IPC also having been alleged in the FIR, I see no

ground to entertain these petitions, which are consequently, dismissed with the interim orders vacated.

However, naturally, nothing stated in these cases shall be taken to be an observation on the merits of any case as regards the trial, with all observations made being only in the context of petitions filed under the provisions of Section 438 of the Cr.P.C.

A photo copy of this order be placed on the file of the other connected petitions too.

(AMOL RATTAN SINGH)
JUDGE

22.04.2021
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No