

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

**CRM-M No.28250 of 2020
Date of Decision: 21.10.2022**

Gurmej Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Tarun Sharma, Advocate appearing for
Mr. Rajesh Kapila, Advocate
for the petitioners.

Ms. Ramta Chowdhary, AAG, Punjab.

MEENAKSHI I. MEHTA, J.(Oral)

Apprehending their arrest in the criminal case arisen out of the FIR bearing No.73 dated 18.05.2020 registered at Police Station Sadar Ferozepur, District Ferozepur, under Sections 307, 324, 506, 355 read with Section 34 IPC, the petitioners have moved the present petition for seeking the relief of pre-arrest/anticipatory bail.

2 Bereft of unnecessary details, the allegations as levelled by informant-injured Tirath Singh in the subject FIR, are that on 11.05.2020, he had gone to his fields to bring the fodder for his cattle and both the petitioners, along-with their co-accused namely Ranjit Kaur and Harjinder Kaur, were already standing there and they caused injuries to him with

‘Kirpan’ and *‘Knife’*.

3. It is worth-while to mention here that vide the order dated 29.10.2020, the petitioners had been extended the relief of interim bail by the Co-ordinate Bench. However, the respondent-State has preferred to file the Status-Report (by way of the affidavit of the Deputy Superintendent of Police (City), Ferozepur), along with Annexure R-1 and these documents are already available on the file and are taken on the record.

4. I have heard learned counsel for the petitioners as well as learned State counsel in instant petition and have also perused the file carefully.

5. Learned counsel for the petitioners contends that the petitioners and the informant-injured have already arrived at a compromise qua their dispute in this case and even otherwise, the custodial interrogation of the petitioners is not required at all and in these circumstances, they (petitioners) deserve the relief as prayed for in the present petition.

6. Per contra, learned State counsel argues that both the petitioners had caused injuries to the informant with weapons like *‘Kirpan’* and *‘Knife’* on his chest and as per the medical opinion Annexure R-1, the said injuries have been declared to be dangerous and it being so, this petition be dismissed.

7. The above-named informant-injured has categorically alleged in the FIR that petitioner No.1-Gurmej Singh had given a *‘Kirpan’* blow on the right side and petitioner No.2-Gagandeep Singh had given a *‘Knife’* blow on the left side of his chest which is, undisputedly, a vital part of the

body. As per Annexure R-1, both these injuries have been declared to be '*dangerous*'. The factum of the compromise, as claimed to have been affected between the parties, is of no avail to the petitioners at this stage because the truthfulness and veracity of the same would be a subject matter for consideration and adjudication before the trial Court at the appropriate stage during the course of trial and the same cannot be ascertained while deciding this bail petition. To add to it, the gravity of the offence is one of the key decisive factors for granting or denying the relief of pre-arrest/anticipatory bail to the accused.

8. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioners, this Court is of the considered opinion that they (petitioners) do not deserve the relief of pre-arrest/anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

9. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

October 21, 2022

pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No