

102

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

CRM-M-52464-2021 (O&M)

Decided on : 2nd February, 2022

Roop Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Umesh Kumar Kanwar, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab.

Mr. Ranjan Singh Dadwal, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 124, dated 12th September, 2021 under Sections 304, 452, 506 read with Section 34 IPC, registered at Police Station Division No.7, District Jalandhar.

[3] The petitioner is an official of Punjab Police. The complainant Davneet daughter of Ashwani Kumar alleged that on 11th September, 2021, the petitioner came to their house and started grappling her father resultantly her father fell down, his fore-head struck on the ground and became unconscious. The injured was taken

to hospital where he was declared brought dead. Thereafter, daughter of the petitioner came to the house of the complainant and threatened them of dire consequences.

[4] Learned counsel for the petitioner has moved an application for placing on record compromise dated 16th December, 2021 and prayer for impleading the complainant as a party is also made. He submits that matter has been compromised, no recovery is to be made and co-accused was granted anticipatory bail by this Court.

[5] Learned State counsel vehemently opposes the prayer for grant of anticipatory bail and submits that petitioner is part of disciplined force but is absconding since September, 2021. It is argued that compromise produced in an indicator that he has misused his official position to influence the complainant and investigation.

[6] Mr. Ranjan Singh Dadwal, Advocate appears for the complainant.

[7] It would not be appropriate for this Court to comment upon the merits of the case at this stage. As per the allegations there is eye-witness to the incident. It would be a debatable issue as to whether there can be a compromise by complainant in cases involving Section 304 IPC. The official status of the petitioner and production of compromise at least is *prima facie* indicator that the petitioner is in a position to influence the witness. There is no parity between the petitioner and co-accused (daughter of the petitioner). There are specific allegations against the petitioner whereas the co-accused had allegedly threatened the

complainant after the incident.

[8] No ground is made out for pre-arrest bail, the petitioner is dismissed.

[9] Since the main case is dismissed, the pending applications, if any, stands dismissed.

2nd February, 2022

pankaj baweja

[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned

:

Yes
2. Whether reportable

:

Yes