

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206)

CRM-M-35623-2022

Date of Decision: 27.02.2023

Paramjit Singh Batra

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

Ms. Rishu, Advocate for

Mr. Gaurav Datta, Advocate for the complainant.

Complainant/injured Hardev Singh in person.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 438 Cr.P.C for grant of pre-arrest bail to the petitioner in FIR No.50 dated 27.3.2022 registered under Sections 325, 323, 160, 427, 506, 336, 148, 149 IPC (section 307 IPC and sections 25, 27, 54, 59 of Arms Act were added later on) at Police Station, Ranjit Avenue, District Amritsar City.

By virtue of the order dated 17.8.2022 while granting interim protection, the petitioner was directed to join investigation.

Learned counsel for the petitioner submits that this is a case of version and cross-version and both the sides are facing the offence under section 307 IPC. He submits that the dispute arose between the neighbors and with the intervention of respectables both the sides have amicably resolved their issues. He submits that in pursuance to the order dated 17.8.2022 petitioner has joined investigation and fully cooperated and thus, the interim order may kindly be made absolute.

Learned counsel for the complainant has affirmed the submissions made by counsel for petitioner and submits that parties have arrived at a compromise.

Learned State counsel on instructions from ASI Kanwaljeet Singh has endorsed the fact that petitioner has joined investigation and submitted that he is no more required for further investigation. He further submits that offence under section 307 IPC has been added against both the sides and the same is a non-compoundable offence. It is submitted that in one case challan has been presented, whereas in other connected cases challan is yet to be presented.

Complainant/injured Hardev Singh is present in person and he has been duly identified by ASI Kanwaljeet Singh. He submits that he has not entered into any compromise with the parties. He further submits that he suffered a bullet injury and remained admitted in hospital for about a month. He also submits that he remained behind bars for about 9 months and thereafter was granted bail by this court. He submits that he is not a party to the compromise as alleged by counsel for the parties.

In view of the above position, it is apparent that this is a case of version and cross-version and both the sides are facing prosecution under section 307 IPC. As per submissions made by counsel for the petitioner as well as learned State counsel, petitioner has duly joined investigation. Hence order dated 17.8.2022 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C and the petition stands allowed.

It is further clarified that complainant/injured Hardev Singh, who is present in person, is at liberty to contest his case before the learned

Trial Court in accordance with law. He has every liberty not to accept the compromise as contended by learned counsel for the parties.

(RAJESH BHARDWAJ)
JUDGE

27.02.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No