

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

CRM-M-41046-2023(O&M)

Date of decision: 23.04.2024

Arjun @ Lalo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. C.S. Rana, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. Vikrant Pujara, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of Cr.P.C. for grant of bail pending trial to petitioner in FIR No. 14 dated 16.01.2023, under Sections 324, 323 and 148 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC') and Section 307 IPC added later on, registered at Police Station, Jalandhar Cantt.

(2) Allegations are that petitioner along with co-accused formed an unlawful assembly; in prosecution of their common object caused grievous injuries upon the person of injured-Nand Kishore with a sharp edged weapon.

(3) Contends that it is a case of version and cross-version and complainant party attacked the petitioner with dangerous weapons on 15.01.2023. Also contends that no injury is attributed to the petitioner; rather it has been attributed to co-accused-Karan. Further contends that petitioner is in custody since 07.06.2023 and petitioner has been falsely implicated in the present case being accomplice of co-accused-Karan. He further submitted that matter has been compromised between the parties i.e. petitioner as well as complainant.

(4) *Per contra*, learned State counsel has vehemently opposed the prayer of the petitioner and submits that injury i.e. “*compound depressed fracture RT fronto-temporal bone*” caused to Nand Kishore was declared dangerous to life by

Medical Board. Further contends that petitioner is a habitual offender as there are other FIRs registered against him and details of which are as under:-

Sr. No.	FIR No.	Under Section(s)	Police Station
1.	58 dated 14.11.2015	323, 325, 506, 427, 148, 149 IPC	PS Cantt, Jalandhar
2.	116 dated 14.11.2019	325, 323, 201, 148, 149 IPC	PS Cantt, Jalandhar
3.	196 dated 13.11.2020	307, 323, 324, 201, 148, 149 IPC	PS Cantt, Jalandhar
4.	21 dated 12.03.2022	323, 325, 148, 149 IPC	PS Cantt, Jalandhar

Learned State counsel on instructions from ASI-Hardayal Singh has also apprised the Court that despite petitioner being on interim bail, he has committed another offence under Section 307 IPC.

(5) Learned counsel for the complainant acknowledged the factum of compromise.

(6) Heard learned counsel for the parties and perused the paper book.

(7) The compromise effected between the petitioner as well as complainant, *prima facie* seems to be involuntary, as the petitioner is involved in other cases and is a habitual offender. He has actively participated in the alleged crime being engaged in the altercation and caused injury; which is declared as dangerous to life by Medical Board. Apart that petitioner has committed the offence under Section 307 IPC while on interim bail; thus misused the concession already granted; hence, he does not deserve to the bail pending trial at this stage.

(8) Consequently, this Court has no option, but to dismiss the petition.

(9) Ordered accordingly.

(10) Needless to say interim bail granted to the petitioner on 03.11.2023, extended subsequently from time to time, shall come to an end automatically.

- (11)

The observations made above be not construed as an expression of opinion on merits of the case; rather confined only to decide the present petition.
- (12)

Pending application(s), if any, shall also stand disposed off.

23.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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