

Surinder Khosla Vs State of Punjab

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CNR No: PBJL010051812018

CIS No: BA/1611/2018

Present: Shri Ashok Kumar Sharma, Advocates, counsel for applicant/accused
Shri Gurpal Singh, Additional Public Prosecutor for the State.

1. Arguments on anticipatory bail application moved by applicant/accused Surinder Khosla under Section 438 Cr.PC in this case bearing **FIR No.13 dated 01.02.2018 under Sections 307, 341, 506, 148, 149 of Indian Penal Code and Sections 25, 27, 54, 59 Arms Act, Police Station Division No.2, Jalandhar**, heard. Police record received and perused.

2. Learned counsel for applicant/accused has argued that applicant/accused has been falsely implicated in this case. No injury has been attributed to him and nothing is required to be recovered from him. He has further submitted that compromise has been effected between the complainant, injured and the applicant/accused and on the basis of compromise, the parties have filed a petition under Section 482 of Code of Criminal Procedure for quashing of the FIR before Hon'ble Punjab and Haryana High Court. His co-accused Raju Khosla and Sunny Khosla have already been released on regular bail by this Court. He has also produced on file a copy of the compromise effected between the parties. Therefore, it is prayed that applicant/accused may kindly be released on anticipatory

bail.

3. On the other hand, learned Additional Public Prosecutor for the State has argued that applicant/accused is not entitled to get the concession of bail as he in connivance with his co-accused caused gunshot injury on the person of Deepak Telu with an intention to kill him. The compromise allegedly effected between the parties rather shows that applicant/accused tried to win over the prosecution witnesses as offence punishable under Section 307 of Indian Penal Code is non-compoundable as per Section 320 of Code of Criminal Procedure. Therefore, applicant/accused is not entitled to get the benefit of alleged compromise effected between the parties and as such, anticipatory bail application moved by applicant/accused may kindly be dismissed.

4. As per the allegations of the prosecution, on 01.02.2018 at about 12.30 a.m. in the area of Ali Mohalla near Bhagwan Balmiki Ji Mandir, applicant/accused along with his co-accused Subhash Sondhi, Himanshu Sondhi, Ankush Sondhi, Dharminder Sondhi, Raju Khosla, Pinda, Sikander and Rahul wrongfully restrained Deepak Telu brother in law of complainant while raising lalkaras and when complainant tried to rescue Deepak Telu, co-accused Subhash Chander Sondhi shot a fire from his revolver towards Deepak Telu with an intention to kill him, which hit on the left side of his abdomen and thereafter, applicant/accused Surinder, Subhash Chander Sondhi, Sikdander and Raju Kholsa shot fires towards

them but they saved themselves and on raising hue and cry by them, all the accused decamped from the place of occurrence with their respective weapons. A missed fire cartridge of 7.65 bore was recovered from the place of occurrence, which was taken into possession by the investigating officer. The revolver along with 25 live cartridges were also recovered from the possession of co-accused Subhash Chander Sondhi on 04.02.2018. No doubt, no injury has been attributed to the applicant/accused as the only gunshot injury caused to Deepak Telu was attributed to co-accused Subhash Chander Sondhi but applicant/accused was present along with his co-accused Subhash Chander Sondhi and others at the time of alleged occurrence and also fired shots towards the complainant party, as such, it cannot be said at this stage that applicant/accused has been falsely implicated in this case. The Offence punishable under Section 307 of Indian Penal Code is non-compoundable and as such the alleged compromise effected between the parties does not cause any help to the applicant/accused as he cannot be granted concession of extra ordinary relief of pre-arrest bail on the basis of compromise. The petition under Section 482 of Code of Criminal Procedure moved by applicant/accused on the basis of compromise before the Hon'ble Punjab and Haryana High Court has not been decided so far. Thus, keeping in view the gravity of offence, I do not find any justification to grant the extra ordinary relief of pre-arrest bail to the

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applicant/accused. Accordingly, instant anticipatory bail application moved by applicant/accused is dismissed. Police file be returned. Record of this bail application be consigned to record room, Jalandhar.

Pronounced:

Dated:07.04.2018

Sham Lal,
Additional Sessions Judge,
Jalandhar
(UID Number PB0123)

manjit singh, stenographer