

**IN THE COURT OF HARSIMRANJIT SINGH,
ADDITIONAL SESSIONS JUDGE (UID NO. PB0234),
SAS NAGAR**

CIS No. BA-1987-2024
Date of Order:03.07.2024

Gagandeep Singh, aged about 33 years, son of Dilbar Singh, resident of
Megna Patti, Sector-78 Sohana, Tehsil and District SAS Nagar, Mohali.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

FIR No.170 Dated 24.05.2024
U/s 323, 341, 148, 149, 307 of IPC
Police Station: Sohana, District SAS Nagar.

Bail Application Under Section 438 Of Cr.P.C.

Present: Sh. GS Khattrra, Advocate Counsel for the Petitioner.
Sh. Harshdeep, Learned Additional P.P. for the State assisted
by SI Balvir Singh, No.91/RR, Mohali.
Complainant Manpreet Singh and Gurvinder Singh (injured)
with Sh. HS Pandher, Advocate.

ORDER:

1. This order of mine shall dispose of bail application filed by the petitioner seeking anticipatory bail, arising out of above said FIR.
2. Notice of the bail application was issued to the State, pursuant to which, learned Additional Public Prosecutor has put in appearance and opposed the bail application. Police record was also requisitioned and SI Balvir Singh, No.91/RR, Investigating Officer of this case has produced the record. Complainant Manpreet Singh and

Gurvinder Singh (injured) have appeared along with their counsel Sh. HS Pandher, Advocate.

3. The instant case was registered pursuant to the statement of Manpreet Singh, who submitted before the police that he is working as Gym Trainer at Claps Gym Sector-78, Mohali. On 24.05.2024, he was imparting training at his gym. It was about 11:30AM. In the meanwhile, Anmol Singh son of Iqbal Singh came on his Fortuner car and slapped him on his face and when he asked the reason, he started fighting with him. Thereafter, he went away. Thereupon, he discussed the matter with his staff and in the meantime, he received a message from Anmol to come down stairs as they want to settle the matter. Upon which, complainant along with his staff member Gurinder Singh came down stairs, where Anmol Singh and 10-11 unknown persons armed with kirpans and iron rods came out from two Fortuners cars. Shortly, thereafter, they encircled him and Gurwinder Singh and Anmol Singh inflicted blow of kirpan towards the head of Gurwinder Singh, while the other unknown persons grappled him and out of them, one person struck iron rod blow on his head and the said blow fell on his back and another unknown person hit him with iron rod, upon his knee and he accordingly, slumped down on the ground. The aforesaid persons kicked and punched him, while he was lying on the floor and he got unconscious and they also thrashed Gurwinder Singh badly. In the meantime, people gathered on the spot and the aforesaid accused persons fled away along with their weapons in their respective cars. On the basis of aforesaid statement, present FIR was

registered against the present petitioner. Now apprehending his arrest, present petitioner has filed the present anticipatory bail application.

4. Learned counsel for petitioner has vehemently argued that now with the intervention of respectable of the society the matter has been amicably resolved. Now the complainant does not want to prosecute any of the accused and has effected compromise, without any inducement, threat, promise or coercion from any corner and now the parties will approach the Hon'ble Punjab and Haryana High Court for the quashing of the present FIR. Complainant has categorically stated that he has no objection if the bail application filed by the petitioner is allowed. It has been further pointed out IO SI Balvir Singh has also independently verified the authenticity of the compromise effected between the parties and in view of the compromise, custodial interrogation of the accused is not required and no useful purpose would be served by sending the petitioner behind the bars, especially when compromise has been effected and parties are intend to file quashing petition. With these submissions, it has been implored that present bail application may kindly be allowed.

5. Per contra, learned Addl.PP for State has argued that no doubt the parties to the present petition have entered into compromise but offence under Section 307 of IPC is non-compoundable in nature and in view of the enormity and gravity of the crime, bail application of the petitioner is liable to be dismissed. However, Ld. Counsel for the complainant has requested that in view of the genuine compromise arrived at between the parties and in order to restore peace and harmony, present

bail application may kindly be allowed, so that parties may file quashing petition before the Hon'ble High Court.

6. I have heard the Ld. Counsel for the petitioner and Ld. Addl.PP and have gone through the record.

7. Complainant Manpreet Singh as well as injured Gurvinder Singh have appeared before the court today and stated that now with the intervention of respectable from both the sides, the aforesaid matter has been amicably settled with the accused party. Now they do not want to prosecute any of the accused. They categorically stated that they are making aforesaid statement without any inducement, threat or promise and in view of the compromise, both the parties will file quashing petition before the Hon'ble High Court, seeking quashing of the present FIR. They further stated that they have no objection if the present bail application of the bail applicant Gagandeep Singh is allowed.

8. It is pertinent to mention here that present FIR and cross-version DDR have emanated from a brawl which took place at a market in Sector-78, Mohali beneath Claps Gym.

9. Now in order to restore peace and harmony, the parties have arrived at compromise with the intervention of respectable of the society and the matter has been amicably resolved. The complainant Manpreet Singh as well as injured Gurvinder Singh have suffered a statement that they do not want to prosecute any of the accused and they have effected aforesaid compromise, without any inducement, threat, promise or coercion from any corner and now the parties will approach the Hon'ble

Punjab and Haryana High Court for the quashing of the present FIR. Complainant has categorically stated that he has no objection if the bail application filed by the petitioner is allowed. Likewise, in the cross version DDR also, present petitioner Gagandeep Singh who is the complainant has suffered a statement regarding the aforesaid compromise arrived at between the parties, without any inducement, threat or promise. He also endorsed that the parties would approach the Hon'ble High Court for quashing of the present FIR and DDR. On the top of it, IO SI Balvir Singh has suffered a statement that he has independently verified the authenticity of the compromise effected between the parties and the same is genuine and authentic. He has also stated that in view of the compromise, custodial interrogation of any of the accused is not required and accused may be granted bail.

10. Thus, from the record it transpires that the aforesaid matter regarding brawl has been amicably settled and now the parties wishes to approach Hon'ble Punjab and Haryana High Court for quashing of the FIR and DDR as is evident from the statements suffered by the parties.

11. Needless to say that the power to do complete justice is the very essence of every justice dispensation system. Infact, the compromise is sine-qua-non for restoring harmony and peace, which in turn, enhances social amity and reduces friction. In the remarkable words of **Hon'ble Mr. Justice Krishna Iyer** *"The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion"*. No doubt, offence under Section 307 and 326 of

IPC are non-compoundable in nature but the Hon'ble High Court has got inherent powers under Section 482 CrPC to quash the FIR and DDR in non-compoundable matters also. Thus, no useful purpose would be served by sending the petitioner behind the bars, especially when the compromise has been effected between the parties.

12. Thus, in the wake of above facts and circumstances and the compromise effected between the parties, it would suffice if the petitioner is directed to join the investigation.

13. Keeping in view the above, without commenting anything upon the merits of the present case, the present bail application stands **allowed** and the petitioner is ordered to be released on anticipatory bail to the satisfaction of IO or learned Trial Court/Illaq/Duty Magistrate subject to the following conditions:-

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.
- (ii) He shall not leave the country without prior permission of the court.
- (iii) He shall appear in the court on each and every date of hearing.
- (iv) He shall not commit an offence similar to the offence of which he is accused or suspected.

14. In case of violation of any of the condition so imposed upon the petitioner, Investigating Officer will be at liberty to file an appropriate application seeking cancellation of bail granted to the petitioner, through

the present order. Further, in case of breach of any of the condition, so imposed through the present order by the petitioner, the Trial court will be at liberty to cancel the bail order of the petitioner.

15. Intimation be send to the SHO of cocerned police station. However, nothing contained in this order shall be deemed to be expression of opinion on the merits of the case. Police record be returned forthwith, while the bail application file be attached with the main file/consigned to the Record Room.

Date of Order:03.07.2024
(Ashana-JW)

(Harsimranjit Singh)
Additional Sessions Judge,
SAS Nagar (Mohali)
UID No. PB-0234