



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

307

CRM-M-8831-2025

Date of decision: 25th April, 2025

Harpreet Singh Khalsa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. F.S. Dhillon, Advocate for the petitioner.

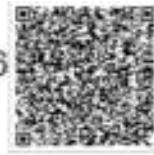
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Sanjeev Singh Taank, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 163 dated 27.10.2023 registered under Sections 307, 341, 324, 148 and 149 of IPC at Police Station City Batala.

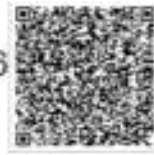
2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Ramanpreet Singh, alleging therein that on the night of 23.10.2023, he along with his friends, had gone to watch Ramleela. At about 11:20 PM, when they were about to return, suddenly a car came from the city side. Five persons were occupants of the same. They stopped their car in front of vehicle in which the complainant was sitting with his friends. The petitioner, who was one amongst those five persons, raised a lalkara, on seeing the complainant, by proclaiming that he should



not be left alive. Then the others caught hold of him, whereas, the petitioner struck several blows with a *kirch*, which he took out from his waist band. His accomplices removed his *parna*. When they had gone toward their car to fetch more weapons, the complainant along with his friends managed to flee. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, present petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Gurdaspur, which was dismissed vide order dated 07.02.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A compromise has been arrived at between the parties, which has been reduced into writing. It is admitted by the complainant that the petitioner was wrongly named in the FIR. A petition seeking quashing of FIR on the basis of compromise is also pending. The custodial interrogation of the petitioner is not required. He is ready to join the investigation. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab, that the petitioner had caused injuries on the person of the complainant with the help of a *kirch*. One of those injuries has been found to be grievous whereas, the other was opined to be dangerous to life. It is argued that no consideration can be given to the plea of compromise as having taken place between the parties. The subject offence under Section 307 of IPC is not compoundable. Custodial interrogation of the petitioner is must. Accordingly, it is urged that the petition does not deserve to be allowed.



5. Learned counsel for the complainant on the other hand, has affirmed the factum of a compromise having been arrived at between the parties and has also stated that Annexure P-2 has been signed by the complainant.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have voluntarily caused simple as well as grievous injuries to the complainant. Two of these injuries were opined to be grievous in nature and one of them, was opined to be dangerous in nature. Though, the petitioner has claimed that a compromise has been arrived at between the parties and learned counsel for the complainant has also not objected to the same, however, in the considered opinion of this Court, no consideration can be given to the plea so raised by the petitioner at this stage in view of the nature of the allegations as levelled against him. Along with other offences, he has been booked for commission of offence for making attempt to murder the victim, which is serious in nature. Gravity of the offence is one of the criteria for denying benefit of pre-arrest bail to the petitioner. Even otherwise, no extra ordinary or exceptional circumstance, which may resort to exercise of powers for grant of pre-arrest bail is made out in this case. In the given nature of the allegations, this Court is of the opinion that this petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.



9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]
JUDGE**

25th April, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*